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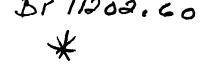
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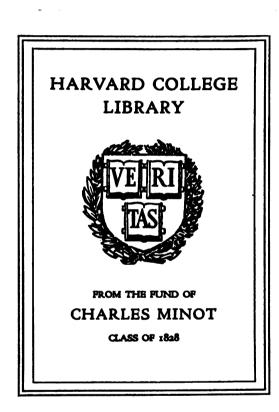
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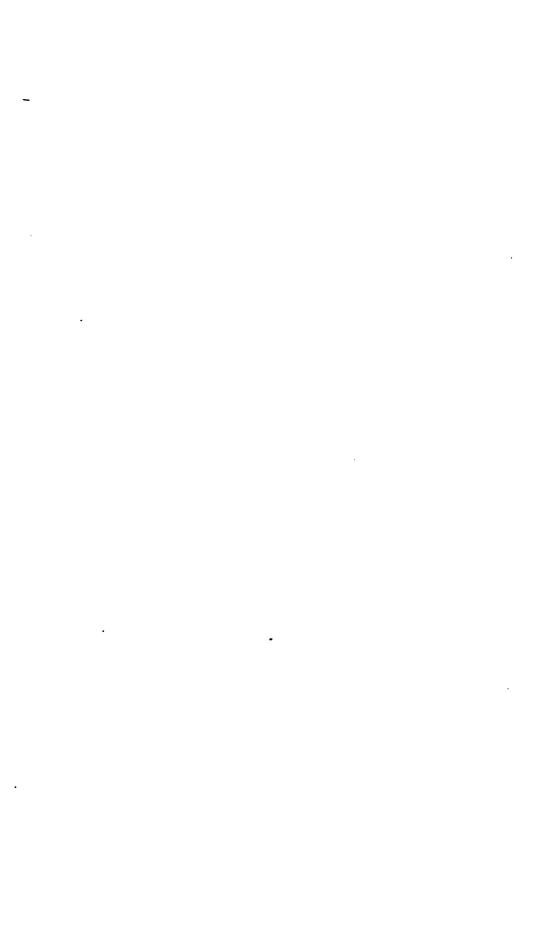
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STATUTES AND ORDINANCES,

AND

ACTS OF THE -PARLIAMENT OF IRELAND.

Vol. I.

KING JOHN to HENRY V.

EDITED BY

HENRY F. BERRY, I.S.O., M.A., Barrister-at-Law.

UNDER THE DIRECTION OF THE MASTER OF THE ROLLS IN IRELAND.

Published with the approval of the Lord Lieutenant of Ireland, under the authority of the Lords Commissioners of His Majesty's Treasury.

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131

PREFACE.

THE earliest printed edition of the Statutes of Ireland is that of Sir Henry Sydney, which was published in London, by R. Totell, 1572, with the following title:— "In this volume are contained all the Statutes from the tenthe yere of King Henrie the Sixt, to the xiiii. vere of our most gracious and soueraygne lady Queene Elvsabeth: made and established in her Highness' Realme of Ireland." Anthony & Wood, in his Athen. Oxon. (Vol. I., col. 513), notices the volume, stating that he had seen Sir Henry Sydney's Miscellanies of Irish Affairs; "who had also caused the Statutes of Ireland to be first published in print." Sir Henry, who acted as Lord Justice or Lord Deputy of Ireland occasions during the period 1558-1578, published his work on the conclusion of his third Vicerovalty, and states in his Preface that he had caused the Justices of both Benches, the Chief Baron of the Exchequer, and the Master of the Rolls of Ireland, to confer together for the copying out and examining such Statutes as were then of record and not published; which they did, and delivered the same perfectly written and examined. As this edition only commenced at the period when Vol. II. of the present edition will begin, no further notice of it is necessary here.

Sir Richard Bolton, who was Recorder of Dublin, and represented that city in Parliament in 1613, who became Chief Baron of the Exchequer in 1625, and finally Lord Chancellor of Ireland in 1639, published

an edition of the Irish Statutes, which was printed in Dublin, 1621,¹ by the Society of Stationers, then printers to His Majesty, under the title, "The Statutes of Ireland, beginning the Third year of King Edward the Second, and continuing until the Parliament begun in the eleventh year of the Reign of our most gratious sovereign Lord King James, and ended in the thirteenth year of his Reign of England, France, and Ireland. Newly perused and examined with the Parliament Rolls; and divers Statutes imprinted in this Book, which were not formerly printed in the old Book." Sir Richard's Preface is worthy of perusal.

For the entire period, down to the end of the reign of Henry V., which is that covered by the present volume, there are included in the edition of 1621, &c., only some five chapters of the Statutes passed in the third year of King Edward II., which occupy but two pages of the volume. This is also the case with the rext collection—that of 1765—"The Statutes at large, passed in the Parliaments held in Ireland." which was printed in Dublin by Boulter Grierson. Vol. I. extends from 3 Edward II. to 1612 inclusive. Of about 1,300 chapters of the enactments of the early Anglo-Irish Parliaments, contained in the rolls and records down to and including the reign of Richard the Third, only about sixty-six are to be found in the hitherto published editions of the Statutes of Ireland. This was a calculation made by the late Sir John Gilbert, who testified that the most valuable illustrations of the history of the English government in Ireland are derivable from these Anglo-Irish Statutes.

¹This volume was reprinted in 1678 by Benjamin Tooke, printer to His Majesty, with the addition of the Acts to the Session 17 and 18 Charles II.; and it was again reprinted in 1723, without further additions.

of Dublin, Vol. I., preface to ed., 1854.) The fact that so few of these enactments had been printed, and their great importance, induced the Irish Record Commissioners, in the early part of the nineteenth century, to take measures for their publication; and on 18th February, 1811, they resolved that a complete and authentic edition of the Statutes and Ordinances of Ireland should be prepared and printed. include "every law, as well those repealed or expired, as such as were then in force, with a Chronological list and Tables of the principal matters." With a view to this plan being carried out, Sub-Commissioners on the Statutes were appointed; the English Commissioners were communicated with, some hundreds of 25th March. 1812, Statutes, &c., previous to the tenth year of King Henry VII. had been collected and transcribed. 1817, report was made that search had taken place in several repositories in England, and in 1819, such progress had been made in collecting materials for notes, introductory matter, tables, &c., that it seemed as if the work would soon issue. In a report of the Sub-Commissioners, dated 1st February, 1820 (Vol. II., p. 645), submitting their views, they pointed out that they had been ordered to follow, without any deviation, the plans of the English Sub-Commissioners. and were further directed, at a later period, to include in their edition English Statutes binding in Ireland, " of which transcripts should be found upon our rolls, or in books of record in this country."

With respect to the nature of the materials for their work, the Sub-Commissioners stated that most of it threw light on the ancient laws and history of Ireland. Sir Richard Bolton, in his dedicatory epistle, prefixed

to his edition of 1621, states that he printed Statutes formerly printed and not expressly repealed, for two reasons, "the one, lest peradventure any should unadvisedly taxe me of partialitie, that matters of greater moment were omitted, and matters of lesse consequence published: and the other was, that although the said Statutes be out of use or determined at this day, yet the same may well serve for an historicall use, whereby the judicious reader may partly discerne both the state of the Church and Commonwealth in those times." Similar motives had influence in determining the plan formed for the present volume. Most subsequent laws are made with reference to those which have gone before, of which they are usually corrections or improvements. For the better understanding of the legislation of later periods, then, it is of the utmost importance to the historian and statesman, to be furnished with authentic transcripts of the ordinances enacted in prior periods.

It was not until the year 1822, that the printing of the Commissioners' contemplated edition of the Statutes came under consideration, but by 1824, it appears to have been abandoned, and the publication of the ancient Statutes and Ordinances of Ireland was reported as "suspended." The question of expense seems to have weighed largely with Government when the question of printing came before them; and difficulties appear to have arisen among the Record Commissioners themselves through an endeavour to treat the work from an exclusively legal point of view. In a work of the kind (and especially in one planned as the present) this would be well-nigh impossible, and could only have led the Commissioners to ultimate failure. For the early period covered by the present

volume, the enactments contained in it must chiefly be looked at from the standpoint of the historian, while the student of law will find much of great importance to him. The aim has been to afford to both authentic data for their investigations and conclusions.

The materials for the edition contemplated by the Record Commissioners, including drafts, fair transcripts and translations, which had been deposited in the State Paper Department, Dublin Castle, were transferred to the Public Record Office: and Sir Samuel Ferguson, during his tenure of office as Deputy Keeper of the Records, purposed to have the task of revision, with a view to publication, undertaken. Owing to the pressure of more absolutely necessary business, however, the work had to be postponed. His successor, Dr. J. J. Digges La Touche, later on, thought that the time had come when it might be undertaken anew, and under his supervision, considerable progress was made in comparing the Record Commissioners' transcripts and translations with the original records. At his death, it was still unfinished. and among the earliest plans formed by the present Deputy Keeper of the Records, on his appointment. was that of bringing to completion the publication of these early Statutes, &c., the preliminary steps for which had been taken nearly ninety years previously. The Right Hon. Sir A. M. Porter, Bart., Master of the Rolls in Ireland, authorised the scheme; the sanction of the Commissioners of H. M. Treasury was obtained. and a letter of the Under Secretary, dated 10th April. 1901, conveyed the approval of His Excellency the Lord Lieutenant of Ireland.

This edition deals with what appears, at each particular period, to have been promulgated as the

Statute law in Ireland; under the older Kings, by writs and mandates, addressed by virtue of their royal prerogative, to the executive and legal officials in this 1 country: Statutes and Ordinances passed in Ireland; and such as when made in England, were, by the King's authority, transmitted for observance here. his Feudal Dignities, remarks that by such writs, patents, and ordinances, the Common Law was expounded, and enforced. At what period or in what \checkmark reign the King's ordinances completely yielded to the more constitutional authority of parliamentary enactments, has never yet been precisely ascertained. edition is based on the historical value of the rolls and records; and the historical and constitutional weight of the entries is quite unaffected by any present-day legal value which the acts may claim to possess. the edition endeavours to bring together and embody at one comprehensive view, every writ, ordinance, and statute now extant, known to have been of force in Ireland from the time of King John to the end of the reign of Henry the Fifth-in other words, all acts and proceedings of the Parliament in Ireland, or of the Statute law recorded as being, by due sanction, directed for observance here. This necessitated a considerable addition to the work of the Record Commissioners, as is evident from the fact that while their first volume of fair transcripts intended for publication. included (up to the last-mentioned date) twenty-six documents, the present work numbers ninety writs, ordinances, and statutes.

The decision to limit Volume I. of this edition to the end of the reign of Henry V. was come to, in consequence of the series of statute rolls commencing in the reign of Henry VI. While the material for this volume has been derived from various manuscript sources, the contents of future ones will be drawn from the statute rolls themselves, and some progress has already been made in the preparation of Volume II.

In this collection, the translations of English statutes, and ordinances of the King and Council in England, which were transmitted to be observed in Ireland, are printed in smaller type.

Where such are found in the Statutes of the Realm, independent translations have been made, and thus the language has been modernised. When the text of such statutes or of the mandates sanctioning them is extant in the Irish Records, or has not yet been published in works of authority, it is here printed. Otherwise, a translation only is printed here, and a reference given to the work in which the text may be found.

It now becomes necessary to direct attention to the original MS, sources dealt with.

- 1. The Irish Statute Rolls. (These, however, do not come within the limits covered by this volume.)
- 2. Records of parliament prior to the reign of Henry VI. These are contained principally in the Red Book of the Exchequer in Ireland, which may be said to be mainly a corpus of the Statute law, probably at first compiled about the time of Edward I., for the guidance of the Court of Exchequer. In it are found the Great Charter of Ireland, 1 Hen. III.; the Statutes of Mortmain, Rhuddlan, Westminster the First and Second, Gloucester, and Merchants; certain ordinances

¹ In one or two cases, entries have been published in the series of Calendars of Patent and Close Rolls printed by the English Record Office, since these pages went to press,

of the parliament of Kilkenny, 3 Edward II.; the Statute concerning False money; the Statutes of Lincoln and York; ordinances of parliaments at Dublin; Petitions to the King, 16 Edward III., the answers to which were to be treated as ordinances; the Statute of Absentees, 3 Richard II.; the Statutes enacted as to the jurisdiction of Admirals, 13 and 15 Richard II., and a Statute at Dublin, 11 Henry IV., as to labourers and sheriffs.

The Red Book also contains a set of Articuli Cleri. 19 Edward I. (1291), which are of extreme interest to the Irish ecclesiastical historian, especially as they have not hitherto been printed, and are practically unknown. The Articuli Cleri in Statutes of the Realm (Vol. I., p. 171) are dated 9 Edward II. (1316), so that the Irish articles are the more remarkable as being twenty-five years anterior in point of date to the English ones. The articles are in the form of complaints by Irish prelates and clergy, with replies by the Justiciar. and further replies by the King himself, which laid down the law on each subject. The references to local customs and rights in particular dioceses are frequent. and Lynch, in his Feudal Dignities, in a short notice of these articles, remarks that ecclesiastical jurisdiction in Ireland at the period, appears to have been of the most extensive character. The subjects complained of include the intrusion of the secular power and its officials into the affairs of the Church, notably in the matter of clerks being compelled to obey the law of the land as to capture of felons; as to sanctuary: ill-treatment and arrest of clerics engaged in spiritual ministrations; also as to prohibitions. They also deal with cognisance by Courts Christian of purely

ecclesiastical crimes; of their jurisdiction in testamentary matters, and in marriage and divorce; and as to the right of Excommunication.

Publication of the Red Book had been in contemplation, but since the text of the greater portion of its contents appears in the present volume, the necessity for this is now obviated. The Editors of the Statutes of the Realm had used it for the collation of certain statutes, but it was not resorted to for various readings in the cases of the Statutes of Gloucester, De Viris Religiosis (or Mortmain), Rhuddlan, Merchants, Lincoln, and York.

- 3. The Patent and Close Rolls of Ireland.
- 4. The Patent and Close Rolls of England.
- 5. The Plea and Justiciary Rolls of Ireland.
- 6. Memoranda Rolls of the Exchequer, Ireland.

These are all legal official records, in which enactments and ordinances are usually found enrolled, and they are, of necessity, of the highest authority.

There is a further source which has been drawn on, in the shape of records, which, while official in character, not being preserved in legal repositories, are not, perhaps, of equal importance in point of authority.

- 7 (a). First in this miscellaneous class, stands a civic record, the Liber Albus of the Corporation of Dublin. As the statutes and ordinances enrolled in the pages of this venerable record were transmitted by writ to the mayor and bailiffs of Dublin, for proclamation and observance, it is the authority for including them among statutes applicable to Ireland.
- (b). The Liber Niger of Christ Church Cathedral, Dublin, a record which contains the enactments of an Irish parliament (see p. 195) and enrolments of some English statutes.

- (c). MSS. in the British Museum.
- (d). Carew MSS., in the Library of Lambeth Palace.
- (e). A MS. in the Ussher Collection, Library of Trinity College, Dublin, which contains transcripts or abridgments of certain Irish statutes.
- (f). The Red Book of the Diocese of Ossory contains an Inspeximus of the Magna Carta of K. Henry III. (English); Statute of Westminster the Second, 13 Ed. I.; ordinances and statutes made at Kilkenny, 1351; and the ordinances against absentees from Ireland, 1379-80.

Attention must be directed to the proceedings recorded in pp. 229-237 of this work, as being of especial interest to the student of the growth and manner of parliamentary procedure at an early period of its institution in Ireland. In 1300, the King issued his writ, assigning to two officials the duty of asking contributions towards an Irish subsidy, in aid of his war with Scotland, which was sent to all cities and burghs throughout Ireland. The Justiciar thereupon summoned a general parliament to meet at Dublin, to which were summoned representatives of counties, cities, and burghs. Before its meeting, he decided to hold interviews with the mayors and citizens of the cities and burghs to be represented, when they promised contributions towards the subsidy. Parliament then met, but the members, speaking as representatives of their separate constituencies, pleaded want of authority to grant the subsidy, and suggested to the Justiciar that he should personally apply to the localities they represented. He acted on the suggestion,

The enrolment in the Red Book of Ossory has been collated with that in the Memoranda Roll. (See p. 374) In clause 3 of these ordinances, the word menour in the Mem. Roll appears as messour in the Red Book; the clause numbered 15 in the latter, as to the Usher of the Exchequer taking only 20s. for his fee, is not found in the Roll; and in clause 23, as to taking Sheriffs' accounts, Waterford is substituted for Wexford

and received further contributions. Again, in 1310, writs were issued to certain magnates, for a Parliament to meet at Kilkenny. The sheriffs were also to summon representatives of the counties, cities, and burghs, to assist the Justiciar and council in making ordinances. In this Parliament, the King requested the assembly to choose two prelates, and two men of note, who were to choose sixteen of the wisest men, for deliberation. Certain prelates and magnates were elected, and sworn, and they seemed to have formed an inner council of representatives for the enactment of ordinances.

It is remarkable that nineteen of the ordinances made in the parliament of Kilkenny, 1366, had been previously enacted in almost precisely the same words in a parliament of 1351, held in the same city.

With regard to the Petitions or form of Declaration sent to King Henry V. in the ninth year of his reign from a parliament assembled at Dublin, some doubt may arise as to the propriety of printing the document in a volume of professedly statutable enactments. inasmuch as the King's answers are not annexed. Such answers, as in previous instances, would have had legislative force, but as the articles, merely in the form of complaints, throw much light on the government of this country and its social state during the period, and since they issued with the authority of the Irish parliament, there seemed every reason for including The Statute of Marlborough, 52 Hen. III.. which in Ireland is only found in the Liber Niger of Christ Church, is not included in this collection. Being an English statute, not enrolled in any legal record, and no King's writ appearing for its observance here, it did not come within the rules laid down.

long after its enactment, however, as the 13 Edward II., a parliament at Dublin agreed to hold it. It will be found in *Statutes of the Realm*, I., p. 19.

During the reign of King John commenced the gradual extension of English law over Ireland. Just as in England, a body of law was being formed here, based on writs that issued out of Chancery, and on judicial decisions. Pollock and Maitland, in their History of English Law, remark that a collection of formulas which Henry the Third sent to the Irish Chancery in 1227, shows by comparison with Glanvill's Treatise, how the number of writs to be had, of course, had grown in forty years. The writ transmitting this collection of formulas, is printed at p. 22 of this work. The collection is not found in any public legal record; but a description of the contents of the Register of Writs is given in the Harvard Law Review, 1889 (Vol. III., p. 110), in an article on it by the late Professor F. W. Maitland

Statutes made in England, which were to be observed in Ireland, were sent by means of a transcript under seal from England, to the Chancery of Ireland, with a writ for their enrolment directed to the Chancellor. From the Chancery, they were exemplified under the great seal of Ireland, and sent to the two Benches and the Exchequer, and they were frequently proclaimed in the counties. Sometimes the writ requiring proclamation was addressed to the Justiciar.

A Statute such as that made at Rhuddlan, 12 Edward I., which solely concerned the revenue, sheriffs' accounts, and their mode of accounting, &c., appears only to have been transmitted from England by writ addressed to the Treasurer, Barons, and Chamber-Tains of the Exchequer.

The Calendar of the Justiciary Rolls of Ireland, 1295-1303, recently published, affords highly important evidence of the mode in which the Irish courts administered the law, and a reference to the Index of Subjects shows that the following English statutes were directly cited in cases before the Justiciar's Court in Ireland for that period, viz.—Merton, Mortmain, Westminster I. and II., Gloucester, Merchants, Quia Emptores, and False Money. All these, save Quia Emptores, were transmitted for observance here, and treated as the law of the land. The presumption is, that though its enrolment here is not now forthcoming, this Statute had also been duly transmitted.

In his Preface, the editor remarks that the law administered in the Justiciar's Court was the common law of England, and such statutes as were transmitted. to be acted on in Ireland. A case is cited as tending to suggest that a statute of England might be considered to be of force here, even though it lacked such sanction. In this connection, as to the decisions of the courts under English statutes, the publication of the later volumes of this series of Calendars will be important to students of ancient legal procedure in this country. The Statute of Mortmain and chapter XVIII. of the Statutes of Westminster the second, as to election in recovery of debt, appear to have been before the Justiciar's Court more frequently than any of the others; and when the remaining Calendars appear, we shall be in a more favourable position for judging the amount of weight and authority accorded to these English Statutes by our Irish judicial bench.

In the interpretation of the law, the customs and usages of Ireland had frequently to be taken into account. The custom as to Dower had always the

force of law in this country, and special usages prevailed here in wardship, forfeiture, distraint, &c. For that as to the goods of a Testator, see p. 227. Ancient Irish custom as to hostages is cited at p. 443; and the customs and usages of Ireland are frequently mentioned as being reserved in particular instances. In the matter of Writs of Bounds, it was directed that in land inhabited by Irish, bounds should be made according to the custom of Ireland; while in places inhabited by English, they should be according to the custom of England. (Close Roll, Eng., 7 Hen. III., m. 19.)

From the time of Edward the First, a large number of enrolments in the Justiciary Rolls of the Exchequer are entitled "Pleas of Parliament," which include suits, petitions, and questions of a public character and of such importance that the adjudication on them of the Justiciar and Council in parliament was deemed necessary. The decisions in many instances might rank as ordinances, but while it seemed necessary to mention them, it was felt that their peculiar nature, the distinctly local character of many of them, and their great number, precluded the possibility of including these pleas in the work.

In the appendix will be found enumerated, as recited in records, several ordinances and proceedings in parliaments and great councils, which either have not sufficient authority to be placed in the body of the work, or like the Pleas of Parliament, are only of a local or temporary nature.

Thanks are due to the Right Rev. Dr. Crozier, Bishop of Ossory; to the Very Rev. the Dean of Christ Church, Dublin; the Librarian of Trinity College, Dublin; the Town Clerk and Corporation of the City of Dublin; G. F. Warner, Esq., D. Litt., Keeper of the Manuscripts in the British Museum; and the Librarian, Lambeth Palace Library, for their kindness in affording access to the manuscripts in their custody; also to Sir Henry Maxwell Lyte, K.C.B., Deputy Keeper of the Public Records, for supplying transcripts of certain documents of record in his Department. The editor has also to acknowledge his deep sense of the courtesy and help extended by the officials of those Institutions and Departments.

Public Record Office of Ireland,

30th January, 1907.

After the last sheet of this work had gone to press, a fragment of the enrolment of the Statutes made at York in the 9th year of King Edward the Third was found in a parcel of Equity Pleadings of the year 1707.

This enrolment is mentioned in the "Inventory of the Statute Rolls preserved in the Rolls office, Chancery," appended to a Report made by Mr. James Hardiman, Sub-Commissioner, dated 9 January, 1819. (Reports of the Irish Record Commissioners, 1816-1820, p. 353). Mr. Hardiman observes that this membrane, found among the miscellaneous records, and afterwards made up into a roll, contains three Statutes enacted at York; which very probably were transmitted from England to be observed here. It then bore no ancient mark or indorsement of any description, and was in good preservation. The membrane must have been misplaced and torn after that date, as the first of these Statutes, save its last line, is all that is now forthcoming. The text of this enactment will be found in Statutes of the Realm, Vol. I., p. 269.—H. F. B.

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CHRONOLOGICAL TABLE OF STATUTES, ORDINANCES, AND WRITS FOR THEIR OBSERVANCE IN IRELAND.

Page.	Manuscript Authority.	Description of the Instrument.	Date. A.D. Reign.	
			они.	J
3	Pat. Roll (Eng.) 6 John.	King's Writ making the Justiciar's Writs current in Ireland.	A' 6,	1204.
3	Pat. Roll (Eng.) 9 John.	King's Writ as to writs, and pleas of the Crown, &c.	-9,	1207.
4	Pat. Roll (Eng.) 9 John.	King's Writ ordaining that Irish robbers be dealt with according to the law of England.	-9	1207.
			RY III.	HEN
5	Red Book of the Exchequer, Ire- land.	The Great Charter of Ireland,	A°-1,	1216.
20	Close Roll (Eng.) 6 Hen. III.	King's Writ commanding pleas of Bounds to be dealt with in Ireland as in England, &c.	-8,	1222,
20	Pat. Roll (Eng.) 6 Hen. IVI.	King's Writ altering the limitation in Writs of <i>Mort Jancestor</i> in Ireland.	-6,	1222.
21	Pat. Roll (Eng.), 10 Hen. III.	King's Writ commanding the laws and customs of England to be kept in Ireland as in King John's time.	-10,	1226.
21	Lansdowne MS. 480, B. Mus.	Statute of Ireland—of lands given in free marriage (as to who shall be tenant by the curtesy).	-11.	1226.
22	Cott. MS., Julius, D. II., B. Mus.	King's Writ transmitting the form of writs of course for observ- ance in Ireland.	-12,	1227.
23	Close Roll (Eng.), 12 Hen. III.	King's Writ commanding that King John's Charter as to English laws and customs be observed in Ireland.	12,	1228.
24	Pat. Rolls (Eng.), 18 Hen. III.	King's Writ commanding that pleas of lay fee and advowson of churches be not pleaded in Court Christian.	-18,	1233.
26	Close Boll (Eng.), 19 Hen. III.	King's Writ commanding that the Writ of Bounds run in Ireland as in England.	-19,	1234.
27	Cott. MS., Claud., D. II. (B. Mus.) printed in Stat. Realm.	The Provisions of Merton (to be observed in Ireland).	-20,	1236.

Date. A.D. Reign.		Description of the Instrument.	Manuscript Authority.	Page.	
HENRY	nued.				
1236.	A°-20,	The Statute of Ireland con- cerning Coparceners). King's Writ transmitting this custom of England for observance in Ireland.	Close Roll (Eng.), 20 Hen. III., printed in Stat. Realm.	34	
1236.	-21,	King's Writ altering the limitation in certain Writs in Ireland.	Pat. Roll (Eng.) 21 Hen. III.	3	
1237.	-21,	King's Writ commanding the custom of England, as to those born before wedlock, to be ob- served in Ireland.	Close Roll (Kng.) 21 Hen. III.	3:	
1237.	-21,	King's Writ commanding the Writ of Bounds (if abrogated) to be recalled into use in Ireland.	Close Roll (Eng.), 21 Hen. III.	3	
1238.	-22,	King's Writ transmitting form of Writ of Bastardy, and com- manding the English custom to be observed in Ireland.	Close Roll (Eng.), 22 Hen. III.	3	
1246.	-30,	King's Writ commanding Writs of right that run in England to run in Ireland, and that the laws and customs of England be observed in Ireland.	Pat. Roll (Eng.), 30 Hen. III., printed in Stat. Realm.	3	
1269.	-53,	Ordinance of the Justiciar's Council, with consent of magnates and commonalty of Ireland, as to uniformity of weights and measures throughout Ireland, &c.	Plea Roll, (Irel.) No. 5.	3	
EDV	WD. I.				
1279.	A°7,	The Statute of Mortmain (as to men of religion).	Red Book of the Exchequer, Ire- land.	8	
1284.	-12,	The Statute of Rhuddlan—Provisions made in the Exchequer.	Red Book of the Exchequer, Ire- land.	•	
1285.	-13,	Memorandum as to the Statutes of Westminster I. and II., the Statute of Gloucester, and the Statute of Merchants having been sent to Ireland for pro- clamation and observance.	Close Roll (Eng.), 13 Edw. I.	•	
1285.	-13,	The Statutes of Westminster the First.	Red Book of the Exchequer, Ire-	•	
1285.	-13,	The Statutes of Gloucester,	land. Red Book of the Exchequer, Ire-	8	
1285.	-13,	Statute of Merchanta,	Statute Roll (Eng.), 13 Edwd. I., printed in Stat.	10	
1285.	-13,	Statutes of Westminster the Second.	Realm. Red Book of the Exchequer, Ire- land.	10	

Date. A.D. Reign.		Description of the Instrument.	Manuscript Authority.	Page.	
	D. L.— linued.				
1291.	A°19,	Articuli Cleri, Articles of the Clergy.	Red Book of the Exchequer, Ire- land.	178	
1293.	-21,	Ordinances made in England, with the King's Writ commanding their observance in Ireland.	Red Book of the Exchequer, Ire- land.	190	
1297.	-25,	Ordinances made in a General Parliament held in Ireland.	Black Book of Christ Church, Dublin.	194	
1299.	-27,	Ordinances made by the Chief Justiciar and the King's Coun- cil. (Pleas of Parliament at Dublin).	Justiciary Roll (Irel.), 27 Edwd. I.	213	
1299.	-27,	Certain ordinances concerning false money, &c., made in Eng- land, with King's Writ com- manding them to be observed in Ireland.	Justiciary Roll (Irel.), 27 Edwd. I., and Red Book of the Ex- chequer, Ire- land.	220	
1300.	-28,	Certificate by the King's Council in Ireland of the custom of Ireland as to the goods of a Testator.	Justiciary Roll (Irel.) 28 Edwd. I.	220	
1300.	-28,	Pleas of Parliament at Dublin. Proceedings in a General Par- liament at Dublin in relation to grants towards a subsidy in aid of the war with Scotland, as requested in a writ of the King.	Justiciary Roll (Irel.), 28 Edwd. I.	22	
1300.	-28,	King's Writ commanding that no sliver or other white money, sliver vessels or sliver in bulk, be carried out of Ireland.	Justiciary Roll (Irel.), 28 Edw. I.	23	
1307.	-35,	The English Statute as to Religious persons—De asportatis Religiosorum—made at Carliale, with King's Writ for observance in Ireland.	Justiciary Roll (Irel.), 35 Edwd. I.	24	
EDV	WD. II.				
1308.	A°. 1,	King's Writs transmitting the Statute of Winchester for ob- servance in Ireland, with regu- lations for preservation of the peace, &c.	Plea Roll (Irel.), 1 & 2 Edwd. II.	24	
1308.	-1,	The Statute of Winchester,	Statute Roll (Eng.,, 13 Edwd. I., printed in Stat. Realm.	25-	
1310.	-3,	Parliament of Kilkenny. King's Writs for the Parliament; and the Ordinances enacted therein.	Pat. Roll (Irel.), 3 Edwd. II.	25	

	ate. Reign.	Description of the Instrument.	Manuscript - Authority.	Page.
	D. IL.— inued.			
1310.	A*8,	Ordinances of a Parliament (pre- sumably further ordinances of the same Parliament of Kil- kenny), with excommunication pronounced in St. Canice's, Kil- kenny, against those contra- vening them.	Red Book of the Exchequer, Ire- land.	'270
1816.	-10,	Ordinance made by the Justiclar and Council as to rents of allen absentees' lands being expended for defence of the country.	Memoranda Roll, Exchequer (Irel.) 3–11 Edwd. II.	278
1820.	-18,	Ordinances in a Parliament at Dublin. Amongst others, the Statutes of Westminster I. and II., Merton, Mariborough, and Gloucester to be examined, and points in them applicable to Ireland to be confirmed and held.	Red Book of the Exchequer, Ire- land.	280
1321.	-14,	King's Writ commanding that the Irish admitted to English law use same concerning life and limbs.	Pat. Roll (Eng.), 14 Edwd. II., (printed in Prynne's Ani- madversions).	292
1828.	-17,	Ordinance made for the state of Ireland at Nottingham, with Writ transmitting it for observ- ance in Ireland.	Statute Roll (Eng.), 17 Edwd. II., printed in Stat. Realm.	293
1824.	-17,	Writ transmitting the Statutes of Lincoln and York, and commanding their observance in Ireland. Statute of Lincoln,	Red Book of the Exchequer, Ire- land. Do.,	296 298
		Statute of York,	Do.,	300
1824.	-17,	Ordinances made in a full Par- liament at Dublin.	Close Roll (Irel.), 18 Edwd. II.	306
1325.	-19,	Statute of Ireland. King's Writ confirming and ratifying the Statutes, &c., made at Kilkenny and Dublin, in the Srd, 13th, 17th, and 19th years of his reign.	Close Roll (Irel.), 20 Edwd. II.	810
1326.	-19.	Ordinances of the Staple of Eng- land, Ireland, and Wales, trans- mitted by King's Writ to the Mayor of Dublin for observance.	Liber Albus, Cor- poration of Dub- lin.	314
EDW	D. III.			
1831.	A°5,	Articles of the last Parliament at Westminster made for the im- provement of Ireland, with King's Writ for their observ- ance in Ireland.	Memoranda Roll, Exchequer, Ire- land, 5 & 6 Edwd. III.	32 2
1881.	-5,	King's Writ commanding that castles, lands, &c., granted after the King undertook the govern- ment, be resumed into his hands.	Memoranda Roll, Exchequer, Ire- land, 5 & 6 Edwd. III.	330

Date. A.D. Reign.		Description of the Instrument.	Manuscript Authority.	Page.	
EDWD.					
1332.	A°6,	King's Writ commanding ob- servance in Ireland of the Sta- tutes made at Westminster. 1327, 1330, 1331; and at Northampton, 1328.	Statute Roll (Eng.) 6 Edwd. III., printed in Stat. ltealm.	- 830	
1342.	-16,	Petitions sent by the prelates, earls, barons, and commonalty of Ireland to the King, which on being examined by his Council the King answered; the answers to be held and maintained.	Red Book of the Exchequer, Ire- land.	332	
		King's Writ, authorizing the pur- port of the answers to be pub- lished and observed in Ireland, &c., &c.	Close Roll (Eng.), 16 Edwd. III., printed in Ry- mer's Foeders, vol. II.	362	
1344.	-18	King's Writ that none are to sup- ply the Irish at war against the King with victuals, &c., and that one peace and one war be observed throughout Ireland.	Close Roll (Irel.), 18 Edwd. III.	364	
1349.	-23,	King's Writ transmitting to the mayor and balliffs of Dublin the English Statute of Servants and Labourers, and command- ing it to be proclaimed and observed in the city.	Liber Albus, Corporation of Dub- lin.	366	
		(Cap. XIV. of the Ordinances of 1351 ordained that the English Statute of Labourers sent to Ireland be sent to all sheriffs, seneschals, mayors, &c., for proclamation).			
1349-50.	-24,	Memorandum as to the Statute which enacted that magnates having lands in Ireland should have there men-at-arms, &c.	Red Book of the Exchequer, lre- land.	372	
13 49 –50.	-24,	Extract from Ordinance in a Par- liament at Westminster as to issues of lands in Ireland being spent in their defence, &c.	Rot. Rom. (Eng.), 24 Edwd. III., (printed in Ry- mer's Foedera, vol. III).	373	
1351.	-25,	Ordinances made in a Great Council at Kilkenny.	Memoranda Roll, Exchequer, Ire- land, 25 & 26 Edwd. III.	374	
1355.	-29,	Ordinance of the Council against forestallers of fish, &c.	Close Roll (Irel.), 29 & 30 Edwd. III.	398	
1355. ,	-29.	King's Writ conveying an Ordin- ance of the King and Council in England as to the correction of errors in Parliaments to be held in Ireland. &c.	Close Roll (Eng.), 29 Edwd. III., printed in Ry- mer's Foedera vol. III.	406	

CHRONOLOGICAL TABLE.

A.D.	ate. Reign.	Description of the Instrument.	Manuscript Authority.	Page.
	. III.—			
1357.	A°31,	An Ordinance made for the estate of the land of Ireland.	Statute Boll (Eng.), 31 Edwd. III., printed in Stat. Realm.	406
1361.	-35,	King's Writ commanding that cierks of the Irish race. faithful subjects, be not excluded from ecclesiastical benefices, (by Pe- tition of Parliament).	Close Roll (kng.', 35 Edwd. III., printed in Rymer's Foc- dera, vol. III.	420
1361.	-35,	Ordinances of the King and Council in England as to sheriffs, seneschals, and levying the King's debts, transmitted by Writ for observance in Ireland.	Memoranda Roll, Exchequer (Irel.) 34 and 35 Edwd. III.	422
1366.	-40,	The Statutes of Kilkenny,	Carew MS., 603, Lambeth Palace Library.	430
1368. Pro	– 4 2,	An Ordinance concerning the land of Ireland made in a Parlia- ment at Dublin.	Close Roil (Eng.), 42 Edwd. III., printed in Rymer's Fw- dera, vol. III.	470
1377.	A°1,	Agreement in a Parliament at Tristeldermot, granting Murgh Obryen a subsidy, on condition of his withdrawing his forces from Leinster.	Close Roll (Irel.), 1 Ric. II.	472
1380.	-3,	Petitions on behalf of Ireland presented to the English Par- liament, with answers of the King in the nature of Ordi- nances made with assent of parliament.	Rot. Parl. (Eng.), 3 Ric. II., printed in Prynne's Ani- madversions.	476
1380.	-4,	Grant by a Parliament at Dublin for the levying of certain small new customs.	Pat. Roll (Irel.), 5 Ric. II.	478
1380.	-4,	Subsidy of a Tenth granted by the prelates and clergy in a Parliament held at Dublin.	Close Roll (Irel.), 4 Ric. II.	480
1380.	-4.	Confirmation of Cap. XIV. of the Statutes of Kilkenny, as to no Irishman or Scot being ad- mitted to the profession of a religious house.	Clese Roll (Irel.), 4 Ric. II.	480
1385.	-9,	King's Writ, founded on Petition to a Great Council held at Dub- lin, as to the people of Ireland not being molested, contrary to their liberty and privilege, by the execution or writs out of England.	Close Roll (Irel.), 9 Ric. II.	433
1385.	-9,	Agreement in a Great Council to send messengers to the King, to ask him to visit Ireland.	Close Roll (Irel.), 9 Ric. II.	480

A.D.		Description of the Instrument.	Manuscript Authority.	Page.
RICH.				
1385.	A°.~9,	Declaration made by Philip de Courtenay, lleutenant of Ire- land, in a Great Council at Dublin, as to persons whom he might have aggrieved.	Close Roll (Irel.), 9 Ric. II.	486
1388.	-12,	Ordinance that the English Stat- utes of Artificers, Labourers, and Servanta be observed in Ireland, and as to their wages, &c.	Liber Albus, Cor- poration of Dub- lin.	488
1389.	-13,	Ordinance by the Irish Parliament that none buy falcons, hawks, &c., in Ireland, for sale there or in England.	Pat. Roll (Irel.), 13 Ric. II.	490
1391.	-15,	King's Writ, commanding ob- servance in Ireland of certain articles in English Statutes of Edward III., and Richard II.	Liber Albus, Cor- poration of Dub- lin.	492
1394.	-18,	Ordinance in a Parliament at Dublin that necessaries be not sold to any Irishman not abiding among English lieges.	Close Roll (Irel.), 18 Ric. II.	498
Hen.	īv.			
399.	A°1.	The Statute of Absentees, 3 Ric. II. (Eng.), transmitted by Writ commanding its observance in Ireland.	Red Book of the Exchequer, Ire- land.	500
1402.	-3,	Statutes and Ordinances made in a Parliament at Dublin.	Pat. Roll (Irel.), 3 Hen. IV.	504
472,	-3,	The Statute enacted against Admirals, 13 Ric. II., ordered to be observed in Ireland, by an Iriah Statute, 3 Hen. IV.	Red Book of the Exchequer, Ire- land.	510
1492.	-3,	The Statute enacted against Admirals, 15 Ric. II., ordered to be observed in Ireland, by an Irish Statute, 3 Hen. IV.	Red Book of the Exchequer, Ire land.	510
1402.	-3,	Article against forcible entry, made in a Parliament at Dublin, sent with King's Writ for observ- ance.	Plea Roll (Irel.), 3 Hen. IV.	514
1 4 0 9 –10.	-11,	Statutes made in a Parliament at Dublin as to labourers, and as to sheriffs.	Red Book of the Exchequer, Ire- land.	516
1410.	-11,	An abridgment of Statutes made in a parliament at Dublin. (Certain of the articles are only in the nature of bills, no enact- ments having been made on them).	Usaher MS. E. 1. 41, Library, Trin- ity College, Dub- lin.	520

CHRONOLOGICAL TABLE.

	ate. Reign.	Description of the Instrument.	Manuscript Authority.	Page.	
HEN. IV.—					
1411.	A°13,	English Statutes against Pro- visors, &c., sent by King's Writ, commanding them to be enrolled, proclaimed, and ob- served in Ireland.	Pat. Roll (Irel.), 13 Hen. IV.	528	
H	en. V.				
1413.	A°1,	Statute of a Parliament at West- minster, as to Irish clerks, beggars, &c., being sent out of England, &c.	Statute Roll (Eng.), 1 Hen. V., printed in Stat. Realm.	560	
1416.	-4,	Statute of a Parliament at West- minster, confirming an Irish Statute against Irishmen being prelates in Ireland, &c.	Statute Roll (Eng.), 4 Hen. V., printed in Stat. Realm.	560	
1421.	-9,	Petitions, or a Declaration of the community of the land of Ireland, in a Parliament at Dublin, sent to the King in England. Answers (if any) do not appear to have been enrolled.	Pat. Roll (Irel.), 9 Hen. V.	562	

EARLY STATUTES

·OF

IRELAND.



EARLY STATUTES

OF

IRELAND.

6 JOHN. A.D. 1204.

[PATENT ROLL (ENGL.) 6 JOHN m. 6].1

THE King, &c., to his Justiciar, barons, knights, and all Writs made his faithful subjects of Ireland, &c. Know ye that we current; their limitation. have granted authority to our Justiciar of Ireland that his writs shall run throughout our entire land and dominion of Ireland, namely—the writ of Right, of half a knight's fee and less; and of Mort d'ancestor likewise of half a knight's fee and less; and the limitation of Mort d'ancestor shall be after the passage of King Henry our father, from Ireland into England; and the writ of Novel Disseisin shall have its limitation after our first coronation at Canterbury, and the writ of Fugitives and Villeins shall have its limitation after the taking of Dublin; and the writ for making bounds between two vills (except baronies); and so we command and strictly enjoin that you cause these things so to be done and firmly observed throughout our entire jurisdiction of Ireland. Witness myself at Westminster the 2d day of November.

9 JOHN. A.D. 1207.

[PATENT ROLL (ENGL.) 9 JOHN m. 4 f.]2

THE King to all, &c., of all Ireland, &c. You well know King's Writs that as we are bound to maintain and guard your rights, and pleas of the Crown. so are you bound to preserve and defend our rights in all things. And inasmuch as we are unwilling that you should be governed henceforth except by law and judgment, or that anyone should take anything from you at his will, or should be able to disseise you of your free tenements unjustly and

¹ The text is printed in Rot. Lit. Pat. in turri Lond., 1201-1216, p. 47; also in Prynne's Animadversions (1669), p. 250.

without judgment, or that you should be impleaded of your free tenements by writ of any save of us or of our Justiciar, but that justice may be shown to you therein by us. We strictly forbid you, by the fealty whereby you are bound to us, to answer for any or in the court of any, of your free tenements save by precept and writ of us or of our Justiciar, or to answer of any plea of the Crown save before us or our Justiciar or before the Justices whom we or the said Justiciar shall send among you for the upholding of the law, and be you faithfully in aid to the said Justiciar so to maintain And if anyone presume to contravene this or to interfere with you, you shall have recourse to our said Justiciar, whom we have enjoined to remedy it for you with our power and your assistance, wherefore we will and command this to be thus strictly observed. We forbid, &c., upon forfeiture of life and limbs, that anyone sell or buy by other money than our money of Ireland, which we will to be current throughout

Irish currency.

our whole realm and no other. Witness myself at Woodstock the 9th day of November.

9 JOHN. A.D. 1207.

[PATENT ROLL (ENGL.) 9 JOHN m. 2 f.].1

Irish robbers, &c., to be dealt with according to the law of England. THE King to M[eiler], son of Henry, Justiciar of Ireland, &c., and to all other his barons and faithful subjects of Ireland, &c. Know ye that at the wish and advice of our beloved and faithful Earl W[illiam] Marescal, and Walter de Lascy, and other of our barons of Ireland, who were with us in England, and by advice of our faithful subjects of England, we will and ordain that the robbers of Ireland be driven out of our land of Ireland, and that they and those who receive them be dealt with according to the law of England. And so we command you that thus you cause it to be done, and in witness hereof, we send you these our letters patent. Witness myself at Southampton the 23d day of March.

¹ The text is printed in Rot. Lit. Pat. in turri Lond., 1201-1216, p. 80; also in Prynne's Animadrersions (1669), p. 250.

1 HENRY III. A.D. 1216.

[RED BOOK OF THE EXCHEQUER IN IRELAND, FOL. 69-73.]

THE GREAT CHARTER OF IRELAND.

ENRICUS dei gra Rex Anglie Dns Hybnie Dux Normañ & Aquit Comes Andegauie Archiepis Abbatiba Comitiba Baroniba Justiciar forestar vicecomitiba Bpõitis Ministris Civiba balliuis & fidelib3 suis salutem. Sciatis nos intuitu di * pro salute anime ñre & omniū antecesso * successo 1 nro ad honorem dei * exaltacoem sče Ecciie * emendačom Regni ñri p consilium venerabilium patrum ñroz đni Guale ti sci Martini Bsbifi cardinat apostolice sedis legati P: Wintoñ. R: de sco assapho J: Bathoñ Glaston: Exoñ. \mathbf{w} : R: Cicestreñ. Couentr. B: Roffeñ. H: Londoñ2 meneuen Bangoreñ S:

ENRY, by the grace of God, King of England, lord of Ireland, Duke of Normandy and Aquitaine, Count of Anjou, to the archbishops, bishops, abbots, earls, barons, justices. foresters. sheriffs. provosts, ministers, citizens, bailiffs, and his faithful people, Know ye that we, greeting. having regard to God and for the salvation of our soul and [the souls] of all our ancestors and successors, to the honour of God and for the exaltation of Holy Church and the amendment of our kingdom, by the . advice of our venerable fathers, the lord Gualo, cardinal priest by the title of St. Martin, and legate of the Apostolic See: P[eter] of Winchester; R. of St. Asaph; J[ocelyn] of Bath and Glastonbury; S[imon] of Exeter; R[ichard] of Chichester; W[illiam] of Coventry; B[enedict] of Rochester; H[enry] of Llandaff; . . of St. David's; . . . of Bangor; and S[ilvester] of

So in Red Book. In 1216 Gervase was Bishop of St. David's, and

Cadwgan of Bangor.

¹ Interlined.

² The Red Book reads London, while Statutes of the Realm has Landav, which is correct, as Henry was Bishop of Llandaff, 1191-1219. The Bishop of London in 1216 was William de S. Mere l'eglise.

Wygorn epoz & nobiliu viroz Wilti Marescalli Comitis Penbroc R: Comitis Cestr W: de feirar Comitis de Derb W. Comitis de Aubemarle Huberti de Burgo Justiciar nri Sauaricii de malo leone Wiłimi Bruerie patis Wiłli Bruer fil Roberti de curtenai Falkesii de Breute Reginaldi de vautort W:de laci Hugon de motuo mari Joh de Monomuto W; de Beuchaump W:de Cliffor R:de mortuo mari Willi de Cantilupo Mathei fit Herberti Johnis marescalli Alani Bassett P:de albuniaco Johnis extranei & alioz fidelium ñroz. C. In pimis concess deo hac Bsenti carta nra confirmasse p nobis * heredib; nris imppetuŭ qd Hybnicana ecca libera sit & habeat iura sua integ & libertates suas illesas. Concessimus & omnib; liberis hominiba de regno aro p not & heredibus impretuum omnes libertates subsciptas habendas e tenendas eis e heredibz suis de nob & heredib3 ñris. C. Si quis Comitū ut baronū ñoş siue alioz tenentiu de nob in capite p suiciu militare mortuus fuerit * cum decesserit heres suus plene etatis fuerit e releu debeat habeat hereditate suam p antiquu releuiu silicet heres ut heredes comitis de Baronia com intega p centum libas. Heres ut heredes baronis de Baronia baronis intega p centum libras. Heres ut heredes militis de feudo militis integro p centū solidos ad plus * qui min' debuerit minus det scåm antiq⁸m consuetudinem feodo₂. autem heres alicui, taliū fuerit infra etatem dominus eius non hebit custodiam ifius nec Pre sue anteqam homagium eius cepit * posqam tat heres fuerit in custodia ad etatem puenerit sil; viginti & vnius anno; Habeat hereditatem suam sine releuio & sine fine. Ita tamen qd si ipe dum infra etatem fuerit miles, nichilho fra remaneat in custodia dni sui usq ad Bdm fminū.

Worcester, bishops; and of the nobles, William Marescal, earl of Pembroke, R[alph], earl of Chester; W[illiam] de Ferrars, earl of Derby; W[illiam], earl of Albemarle; Hubert de Burgo, our Justiciar; Savaric de Malo Leone; William Bruere, the father; William Bruere, the son; Robert de Curtenai, Falk de Breute, Reginald de Vautort, W[alter] de Laci, Hugh de Mortimer, John of Monmouth, W[alter] de Beuchaump, W[alter] de Clifford, R[obert] de Mortimer, William de Cantilupo, Matthew son of Herbert; John Marescal, Alan Basset, P[hilip] de Albuniaco, John Lestrange, and other our lieges.

Firstly we have granted to God, [and] by this our present Irish Church Charter have confirmed for us and our heirs for ever that the free.

Irish Church shall be free, and have all her rights entire and liberties inviolable.

We have also granted to all free men of our kingdom, for us and our heirs for ever, all the liberties underwritten, to have and to hold to them and their heirs of us and our heirs.

If any of our Earls or Barons or others holding of us in chief Reliefs. by knight service die, and at the time of his death his heir be of full age and owe Relief, he shall have his inheritance by the ancient Relief, namely, the heir or heirs of an Earl for the entire barony of the Earl by one hundred pounds; the heir or heirs of a Baron for the entire barony of the Baron by one hundred pounds; the heir or heirs of a Knight for a whole Knight's fee by one hundred shillings at the most: and he who owes less shall give less, according to the ancient custom of the fees.

But if the heir of any one of such be under age, his lord Wardship shall not have the wardship of him nor of his land before that and Homage. he take of him homage. And when such heir who shall have been in ward shall come to age, that is to say of twenty-one years, he shall have his inheritance without Relief and without fine; provided that if he while under age become a knight, nevertheless his land shall remain in the custody of his lord up to the said term.

Custos Pre hi? * heredis qui inf etatem fuerit non capiat de Pra hered nisi racionabiles exitus a racionabiles consuetudines * racionabilia suicia * hec sine distruccone ut vasto hominū ut rez; e si nos comiserim, custodiam alic tat Pre vicecoi ut alicui alii qui de exitib; fre illius nob responde debeat & ille destruccionem fecerit de custodia ut vastum; Nos ab eo capiem9 emend * terra colcommittat duob; legalib; * discretis hominib3 de feudo illo qi de exitib3 respondeant nob ul ei cui illos assignatimus. Et si dederimus ut vendideribus! alicui custodiam alicui, tat fre e ille destruccoem inde fecerit ut vastum amittat custodiam illam & tadatr duoba legalib; * discretis hominib; de feodo illo qui simili? not inde respondeant sicut Bacm est. Custos autē qemdiu custodiam Pre habilit sustentet domos parcos viuaria stangna molendina e cela ad illam fram ptinencia de exitiba fre eiusc, & reddet heredi cu ad plenam etatem puessit fram suam totam instauratam de carucis e omniba aliis reba admin⁹ scdm qd illas recepit. Hec omnia obseruent de custodia Archiepatuu Epatuu Abbacia, pioratuu ecclesia, * dignitatuŭ vacanciŭ excepto q custodie hi' uendi non debent. Heredes maritant, abso dispagaçõne. Vidua po mortem mariti sui statim & sine dilacone aliqa habeat maritagiū suū € hereditatem suam nec aliquid det p dote sua ut maritagio ut heditate sua q*m hereditatem marit, suus & ipa tenuert die obitus ipius mariti * maneat vidua in domo mariti sui p xla dies post mortem ipius mariti sui infra quos ei assignet^r dos sua nⁱ pⁱus ei fuerit assignata ui nisi dom⁹ illa fflit castru * si de castro recesserit statim puideatr ei dom' competens in qua possit honeste morari quousq dos sua ei assignet scam qd pacm est. Nulla vidua distr

The guardian of such land and heir, who may be under age, Waste on shall not take of the land of the heir save reasonable issues, minor. reasonable customs, and reasonable services, and these without destruction or waste of men or goods. And if we commit the custody of any such land to the Sheriff or any other who ought to answer to us of the issues of that land, and he make destruction or waste of what is in his custody, we shall take of him amends, and the land shall be committed to two lawful and discreet men of that fee, who shall answer of the issues to us, or to him to whom we shall have assigned them. And if we shall give or sell to anyone the custody of any such land, and he make destruction thereof, or waste, he shall lose that custody, and it shall be delivered to two lawful and discreet men of that fee, who likewise shall answer to us thereof, as aforesaid.

But the guardian as long as he has custody of the land Guardian to shall keep up the houses, parks, vivaries, ponds, mills, and keep up houses, &c. other things pertaining to that land out of the issues of the said land, and shall restore to the heir, when he shall have come to full age, all his land stored with ploughs, and all other things, at least as he received them.

All these things shall be observed in regard to the custody Same in cases of vacant archbishoprics, bishoprics, abbacies, priories, churches Sees, &c. and dignities, save that such custodies ought not to be sold.

Heirs shall be married without disparagement. A widow Marriage of immediately after the death of her husband, and without any heirs. delay, shall have her marriage [portion] and her inheritance, Widows. neither shall she give anything for her dower or marriage [portion] or inheritance, which inheritance her husband and she herself held on the day of the death of the said husband, and the widow may remain in the house of her husband for Quarentine. forty days after her said husband's death, within which her dower shall be assigned her, unless it shall have been assigned her previously, or unless that house be a castle, and if she depart from the castle, immediately a competent house shall be provided for her in which she may honourably dwell until her dower be assigned her as aforesaid. No widow shall be comad se maritand du voluit viue sine marito. Ita tame qd securitatem faciat qd se non maritabit sine assensu nro si de not tentit ut sine assensu dni sui si de alio tenuerit. Nos ut balliui ñri non saysiemus fram aliqem ne redditū p debito aliqo qamdiu catalla debitoris Bsencia sufficiūt ad debitū reddenđ * ipe debitor patus inde satisface nec pigii ipius debitoris distingantr qemdiu ipe capital debitor sufficit ad soluçoem debiti. Et si capitat debitor defecit in soluçone non habens vnde reddat aut reddoe nolit cum possit płgii respondeant de debito & si volfiint habeant toras & reddit debitoris quousq sit eis satisfem de debito qd ante p eo soluerut ni capital debitor monst uerit se quietu esse uersus eosđ pigios. Ciuitas Dublin habeat omnes antigs libertates & liberas cosuetudines suas. Prefea volum? * concedim? qd omnes alie ciuitates ville & Burgi & omnes portus habeant omnes libertates & liberas consuetudines suas. Nullus distringatr ad faciend mai⁹ suiciū de feodo militis nº de alio libero tenemēto q^am inde debetur. Cōmunia placita non seq^ant^r curiam ñram 83 teneant^r in aliquo c⁹to loco. Recognicões de noua disseysina de morte antecessoris & de ultima psentacone no capiantr nisi in suis Comitatib3 & hoc modo. Nos ut si exta regnū fuerim⁹ capitalis Justič ñr mittem⁹ duos justiciar p vnūquemą, comitatū p qetuor vices in anno qui cū qetuor militibz cui libet comitat electis p comitatum capiant & in comitatu * in die * loco Comitatus Assisas Bdcas. Et si in die Comitatus assise pdicte capi n possunt, tot milites & libere tenentes remaneat de illis qui inffuert comitatui die illo p qes possit sufficient iudicia fieri scam qd negociū fûit mai' ut min'.

pelled to marry while she wishes to live without a husband, Remarriage. provided, nevertheless, that she give security that she will not marry without our assent, if she hold of us, or without the assent of her lord, if she hold of another.

We or our bailiffs shall not seize any land or rent for any Seizure for debt as long as the chattels of the debtor at hand suffice for paying the debt, and the debtor himself be prepared thereout to satisfy. Neither shall the sureties of the debtor himself be distrained as long as the principal debtor himself suffice for the payment of the debt. And if the principal debtor fail in payment, not having whereof he can pay, or be unwilling to pay when he is able, the sureties shall answer for the debt, and if they wish they may have the lands and rents of the debtor until satisfaction be made to them for the debt which they already paid for him, unless the principal debtor show that he is quit as regards those sureties.

The City of Dublin shall have all its ancient liberties and Liberties of free customs: moreover, we will and grant that all other Dublin, &c. cities, towns, and burghs, and all ports shall have all their liberties and free customs.

No one shall be distrained to do more service of a knight's Distress for fee or of any other freehold than is thereout due.

Common Pleas shall not follow our Court, but shall be held Common Pleas.

Assises of Novel Dissessin, of Mort d'ancestor, and of Darrein Assises. presentment shall not be taken except in their own counties, and in this way. We, or if we be out of the kingdom, our Chief Justiciar, shall send two justices through every county four times in the year, who, with four knights of every county elected by the county, shall take, both in the county [court] and on the day and place of the county, the aforesaid assises; and if on the day of the county [court] the aforesaid assises cannot be taken, so many knights and free tenants of those who were present at the county [court] on that day shall remain, by whom it may be competent to make judgments according as the business shall be more or less.

Liber homo n amciel p puo delicto ni scam modu delicti, e p magno delicto scdm magnitudinem delicti saluo contenemeto suo e ficator eodm mo salua ficandasia sua et villanus eodem mº afficietur saluo wannagio suo si inciderit in miam firam. Et nulla pacos mias ponat^r ni p sacement phos e legaliu hominu de visneto. Comites & Barones non afficient^r ni p pares suos * non ni scdm modū delicti. Nullus clericus afficiet^r ni scam formam pacos & non scam qantitatem beneficii sui eccastici. Nec villa nec homo distinget face pontes ad riparias nisi qi ab antiqo e de iure face debent. Nullus vič Constabular Coronatores vi alii balliui nri teneant placita corone ñre. Si aliqis tenens de nob laicū feodū moriatr & vicecomes vt balts nr ostendat liteas aras patentes de sumoicone nra de debito quod defuctus nob debuit, liceat vicecomiti ul Balliuo nro attachiare e inbriare catalla defucti inuentil in laico feodo ad valenciam illius debiti p visum legaliŭ hominū. Ita tamen qd nichil inde amoueatr don° psoluat^r nob debitū q̃d clarū fuit € residuū relinqat^r executorib; ad faciend testamētū defūcti. Et si nich debeat ab ifio omia catalla cedant defucto saluis uxori sue * puºis suis racionabilib; ptib; suis. Nullus Constabular ut eius balts capiat blada ut alia catalla alicui, qui non sit de villa ubi castr suū est nisi statim inde reddat denarios ut respectum inde hre possit de voluntate venditoris; si autem de villa fu⁹it, teneat^r infra tres sept^as Bcium reddere. Constabular distringat alique militem ad dand denarios p custodia casti si ipe eam face volupit in ppia psona sua ut p alium pbum hominē si ipe eam face non possit ppe racionabilem

¹ So in MS.

No freeman shall be amerced for a small fault, but according Amercements to the measure of the fault, and for a great fault according to acc. the magnitude of the fault, saving his contenement; and a merchant in the same way, saving his merchandise; and a villein shall be amerced in the same way, saving his wannage, if he fall into our mercy; and none of the said amercements shall be assessed but by the oath of good and lawful men of the venue. Earls and barons shall not be amerced except by Peers. their peers, and according to the measure of their fault. No clerk shall be amerced except according to the form of Clerks. the aforesaid, and not according to the quantity of his ecclesiastical benefice.

No town nor individual shall be distrained to make bridges Bridges. over rivers, except those who of old and of right ought to make them.

No sheriff, constable, coroners, or other our bailiffs shall Pleas of the Crown.

If any holding a lay fee of us die, and our sheriff or bailiff Crown debts show our letters patent of our summons of debt, which the of a deceased, deceased owed us, it shall be lawful for our sheriff or bailiff to attach and schedule the chattels of the deceased, found in the lay fee, to the value of that debt, by view of lawful men; provided, nevertheless, that nothing thereof be removed until there be paid us the debt which was clear, and the residue shall remain to the executors to fulfil the testament of the deceased; and if nothing be owing by him, they shall give up all chattels to the deceased, saving to his wife and children their reasonable portions.

No constable or his bailiff shall take corn or other chattels Purveyance of anyone who be not of the vill where his castle is, unless he forthwith pay money therefor, or by the will of the vendor he can have respite thereof; but if he be of the vill, he shall be bound to pay the price within three weeks.

No constable shall distrain any knight to pay money for Castle ward. guarding his castle, if he be willing to do it in his own person, or by any other good man, if he cannot for reasonable

causam, & si nos duxim' ut miserim' eū in execitū erit quiet' de custodia scam quatitate tepis quo p nos fuit in execitu. Nullus vicecomes vt Balliuus nr vt alius capiat eq's ut carectas alicui, p cariagio faciendo ni reddat liberacoem antiquit' statută, scil; p carecta ad duos equos decem denarios p diem * p carecta ad tres equos qatuordecim denarios p diem. Nec nos nec balliui ñri capiem' alienū boscū ad casta ut alia Agenda nostra nisi p voluntate ipius cui boscus ille fu⁹it. Nos non tenebim⁹ Pras illoz qui conuicti fu⁹int de felonia n' p vnū annū * vnū diem * tūc reddant Pre dnis feodoş. Et omes Kydelli deponant de celo p totam Auenlith * p totam hybm nisi p costeram maris. Breue quod vocatr Bcipe de celo non fiut alicui de aliquo tenemento vnde liber amitte possit curiam suam. Vna mensura vini sit p totum regnum ñrm & vna mensura couisie & vna mensura bladi scila qerfiŭ Dublin, e vna latitudo pannos tinctos Russettos haubergettos scila due ulne infra listas. ponderibz aute sit ut de mensur. Nichil det de celo p bri Inquisicois de vita ut membris sa getis concedat^r e non neget^r. Si aliq's teneat de nob p feodi firmam ut socagium ut p burgagiù * de alio teneat fram p suiciù militare nº habebim' custodiam heredis no fre sue que est de feudo all'ius occasione illius feodi firme ut socagii ut burgagii. Nec habebim' custodiam illius feodi firme ut socagii ut burgagii n' iña feodi firma debeat suiciū militare. Nos non habebim' custodiam alicuius fre ut hedis qam tenet de alio p suiciū militare occasione alicui, pue siancie q m tenet de not p suicių reddendi not cultellos ut sagittas ut huismodi.

cause do it himself; and if we bring or send him on an expedition, he shall be quit of [castle] ward for the time he was on the expedition with us.

No sheriff or bailiff of ours or any other shall take horses or Purveyance. carts of any man for making carriage unless he pay the price carts. of old time appointed, that is to say-for a cart for two horses, ten pence a day, and for a cart for three horses, fourteen pence a day. Neither we nor our bailiffs shall take the wood of another for castles or carrying out other our works Wood. unless by the will of him to whom the wood belongs.

We will not hold the lands of those who shall be convicted Lands of of felony, save for a year and a day, and then the lands shall felons. be restored to the lords of the fees.

Also all weirs shall henceforth be put down through the Weirs. whole of the Anna Liffey and all Ireland, except by the sea coast.

The writ which is called "precipe" from henceforth shall Writ of not be granted to anyone of any tenement whereby a freeman may lose his court.

There shall be one measure of wine throughout our entire Uniform kingdom, and one measure of ale, and one measure of corn, weights. that is to say, the quarter of Dublin; and one breadth of dyed cloth, russets and habergets, that is to say, two ells within the lists; and let it be of weights as of measures.

Nothing shall henceforth be given for a Writ of Inquisition Writs of of life or limbs, but it shall be freely granted and not denied.

Inquisition.

If any hold of us by fee-farm, or by socage or burgage, and Wardship of he hold land of another by knight service, we shall not have lands by the wardship of the heir, nor of his land, which is of the fee divers of another, by reason of that fee-farm or socage or burgage; nor shall we have the custody of such fee-farm or socage or burgage, unless the same fee-farm owe knight service. We shall not have the wardship of any heir, or of any land which he holds of another by knight service, by reason of any petty serjeanty which he holds of us by the service of rendering to us knives or arrows or such like.

Null' balliuus ponat de ceto aliquem ad legem simplici loquela sine testib; fidelib; ad h inductis. Null' liber ho capiatr ut inpisonetr ut disseisiatr aut utlagetr aut exuletr aut aliqo alio mo destruatr. Nec sup eū ibim⁹ nº sup eū mittem, n' p legale iudiciu pariu suoz ut p legem Pre. Nulli vendemus nulli negabim, aut differemus rectum aut iusticiam. Omnes matores n' publice antea Bhibiti fuerint habeant saluŭ * securu exire de Hybm¹ * venire in Hybm e morari e ire p Hybm tam p fras qem p aquas ad emend e vendend sine omnib; malis toltis p antiqas e rectas consuctudines Sterqam in tempe guerre. Et si sint de fra cont nos guerrina e si tales inueniant in Pra nra in p'ncipio guerre attachient sine dampno corpos ut reru don' sciat a nob ul a capitali Justic nro qomodo meatores Pre nre tactentur quatuc inuenientr in Pra conta nos guerrina. Et si nri salui sint ibi alii salui sint in Pra nra. Si quis tenu⁹it de aliqua eschaeta sicut de honore Walingford Notingham Bolon Lancaste uel aliis eschaetis q' sunt in manu nra & sunt baronie & obierit heres eius no det aliud releuiu nec faciat nob aliud suiciu qam faceret baroni, si Pra illa esset in manu baronis; * nos eodem mº eā tenebim⁹ quo baro eam tenuit. Homines qui manent ext^a forestam no veniant de celo coram Justiciar nris de foresta p comunes sumonicones n' sint in placito ut pigii alicui° vi aliquoz qui attachiati sint p foresta. homines q' fundauert Abbacias vnde habent cartas Regu Angi ui antiqi tenuram habeant eaz custodiam cu vacu⁹int sicut hre debent & sicut supa declaratu.

¹ So in MS.

No bailiff shall henceforth put any man to law upon Witnesses a simple statement, without trustworthy witnesses brought in required. for the same.

No freeman shall be taken or imprisoned or disseised or No freeman outlawed or exiled, or in any otherwise destroyed; nor will we imprisoned, pass upon him nor send upon him but by the lawful judgment &c., but by the law of his peers or by the law of the land. We will sell to no man, the land. we will deny to no man, or delay, right or justice.

All merchants, unless they were before publicly prohibited, Freedom of shall have safe and secure [conduct] to depart from Ireland, merchants, and come into Ireland, and to tarry in and go through Ireland, as well by land as by water, to buy and sell, without all the evil extortions, by the old and rightful customs, except in time of war. And if they be of a land in a state of war against us, Save in time and if such are found in our land in the beginning of the war, they shall be attached without harm of bodies or goods, until it be known by us or our Chief Justiciar how the merchants of our land are treated, who then shall be found in the land in a state of war against us. And if ours be safe there, the others shall be safe in our land.

If any hold of any escheat, as of the honor of Wallingford, Service of an Nottingham, Boulogne, Lancaster, or any other escheats which heir holding of an escheat are in our hand, and are baronies, and die, his heir shall not give any other relief nor render to us other service than he should do to the Baron if that land were in the hand of the Baron; and we in the same way will hold it as the Baron held it.

Men that dwell out of the forest from henceforth shall not Forest come before our justices of the Forest by common summons, unless they be impleaded or be sureties for some person or persons who were attached for the forest.

All men who have founded abbeys, for which they have Custody of charters of the Kings of England or ancient tenure, shall have vacant abbeys. the custody of them when they become vacant, as they ought to have, and as is above declared.

Omnes foreste que afforestate sunt tempe J: Regis patis ñri statim deafforestent * Ita fiat de ripariis que p eumdem J. tempore suo posite sunt in defenso. Nullus capiatr ut impisonet, pp appellu femine de morte allius que viri Omnes autē istas cosuetudines Bdcas & libertates quas concessim, in regno nro tenendas qantu ad nos ptinet erga ñros, omnes de regno nostro tam clerici qem laici conseruēt qantu ad se ptinet erga suos. Quia vero quedam capitla in p'ori carta continebant^r que grauia « dubitabilia uidebant^r scila de scutagiis e auxiliis assidendis, De debitis Judeos e alios e de libertate exeundi de regno ñro e redeundi in regnü ñrm, De forestis & forestariis, De Warenis & Warenariis, de consuetudinib; comitatuu, Et de Ripariis e eaz custodib; placuit supa deis platis & magnatib; ea esse in respectu quesq. plenius consilium habuerim9 & tūc faciemus plenissime tam de hiis qem de aliis que occurrerint emendenda id qd ad comune omniu vtilitatem ptinu⁹it & pacem & statu ñrm & Quia vero sigillum nondū habuimus Bsentem cartam sigillis venerabilis patis ñri đni Guale tt šci Martini Bsbifi Cardinal apostolice sedis legati, Et Willi Marescalli Comitis Pembrok Rectoris ñri & regni ñri fecim, sigillari. Testiba omiba Bnolatis & aliis multis. Datū p man Bacoz đni legati v Wilti Marscalli apud Bristoli duodecimo die Nouembr regni nri Anno p'mo.

All forests which were afforested in the time of King John, Disafforestaour father, shall be immediately disafforested; and so let it be done in the case of rivers which were placed in defence by the Rivers. said John in his time.

No one shall be taken or imprisoned on account of the Appeal for appeal of a woman for the death of any other than her death. husband.

And all those customs and liberties, aforesaid, which we have granted to be held in our kingdom, as far as to us appertains towards our men, everyone in our realm, as well clergy as laymen, shall observe, as far as appertains to them, towards their men.

Inasmuch, however, as certain chapters were contained in Postponethe former charter which seemed grievous and doubtful, that ment of is to say, about assessing scutages and aids, as to debts of articles. Jews and others, and liberty of leaving our kingdom and returning to our kingdom, as to forests and foresters, warrens and warreners, about customs of counties, and rivers and their keepers, it seemed good to the aforesaid prelates and magnates that these should be held over until we should have had fuller counsel, and then we shall, in the fullest manner, as well with regard to these things as to others which happen to require amendment, do what pertains to the common utility of all and the peace and good estate of us and our kingdom.

And because we have not yet a seal, we have caused this present charter to be sealed with the seals of our venerable father, the lord Gualo, cardinal priest by the title of St. Martin, legate of the Apostolic See, and of William Marescal, earl of Pembroke, governor of us and of our kingdom. Witness all the aforesaid and many others.

Given by the hands of the aforesaid Lord Legate and William Marescal, at Bristol, the twelfth day of November, in the first year of our reign.

6 HENRY III. A.D. 1222.

[CLOSE ROLL (ENGL.) 6 HENRY III. m. 10].1

Pleas of bounds in Ireland as in England.

RELAND. The King to the said Archbishop [Henry de Loundres, Archbishop of Dublin], greeting. We have been given to understand that pleas which are moved in Ireland by writ of making of bounds are dealt with otherwise than in our kingdom of England, insomuch that they against whom such writs are obtained in Ireland sometimes, as is said, lose seisin of their lands by the sole verdict of those by whom the bounds are made, as if they were perambulators, no defence which they offer helping them, which is manifestly contrary to the custom of our realm of England, because he against whom a writ of bounds is obtained in England may have the defence of the duel and otherwise, as if a plea had been moved against him by writ of right. Wherefore we command you that henceforth you cause pleas of bounds in Ireland to be held and dealt with as they are wont to be held and dealt with in our kingdom of England, as you well know that the laws of our land of Ireland and of England are and ought to Witness H[ubert] de Burgo, our Justiciar, at be the same. Westminster, the 17th day of May, in the 6th year of our reign.

Laws of both countries are and ought to be the same.

6 HENRY III. A.D. 1222.

[PATENT ROLL (ENGL.). 6 HENRY III. m. 2].

Limitation of Writs of mort d'ancestor as in England.

RELAND): The King to the Archbishop of Dublin and his Justiciar of Ireland, greeting. At the petition of you and of our magnates of Ireland, we have granted and we will that a change of the limit which is usually written in writs of mort d'ancestor be henceforth made in Ireland, as is appointed in England, that is to say, that in place of this clause "after the first coronation of King Henry our grandfather" it be written thus, "after the first coronation of King Richard our uncle." And therefore we command you that henceforth you

¹ The text is printed in Rot. Lit. Claus. in turri Lond., 1204-1224, p. 497.

² The text is printed in Patent Rolls 1216—1225 (P.R.O. series), p. 886.

cause such writs to be made in this form, saving however the process of the recognitions and pleas which have been moved under the first form. And this we notify to the archbishops, bishops, abbots, priors, earls, barons, knights, free tenants, and all persons of our realm of Ireland.

In witness whereof we send you these our letters patent; witness H[ubert] &c. at the Tower of London, the 18th day of July in the sixth year of our reign; by the same.

10 HENRY III. A.D. 1226.

[PATENT ROLL (ENGL.) 10 HENRY III., m. 4.]1

RELAND). The King to his beloved and faithful Laws and G[eoffrey] de Marisco, Justiciar of Ireland, greeting. customs of We command you that you keep and cause to be kept the be kept in laws and customs of our land of England in our land of Ireland, as the lord King John our father enjoined them to be kept when he was last in that land. In witness whereof, &c. Witness myself at Windsor, the 29th day of June.

11 HENRY III. A.D., 1226.

STATUTE OF IRELAND—OF LANDS GIVEN IN FREE MARRIAGE.2

HEN anyone shall have taken land in marriage with Who shall be a wife, if he have begotten of his said wife an heir, the curtesy. be it son or daughter, who shall be heard to cry within four walls, if the said husband survive his wife, whether the heir live or not, that [land in] marriage shall remain [to him] for life, and after his death shall revert to the donor or to his heir. But if he have no heir by his wife,

¹The text is printed in Patent Rolls 1225-1232 (P.R.O. series) p. 48.
²Entitled "Statutum de Hibernia de terra data in liberum maritagium," in Harleian MS. (Brit. Mus.), No. 1807, fo. 248. The text taken from MS. Lansd., 480, fo. 188 b., which is entitled "Statutum de tenentibus per legem Anglie," is printed in Statutes of the Realm, I. 220, among those of uncertain date. By a writ enrolled in Pat. Roc. (Engl.) 11 Henry III. (see Patent Rolls 1225-1232, P.R.O. series, p. 96), this law and custom were to be of force in Ireland. See also Blackstone's Com., Book II., ch. 8.

then after the death of the wife, it shall revert to the donor or to his heir. And this is the cause wherefore [for land given] in marriage, homage is not wont to be received; for if any land were so given in marriage, or otherwise that homage were received, then it might never lawfully revert to the donor or his heirs as is aforesaid. And the same judgment shall be of the second husband as is said of the first, whether there be left any heir of the first or not.

12 HENRY III. A.D. 1227.

[Cotton MS. Julius D. II., f. 143 b. British Museum.]

đi gra Rex anglie, Dña hibnie dux Normanñ et Aq'etanie Comes Andeg, Archieficis, Epcis, Abbatibz, Comitibz, Baronibz, Militibz, libe tenentibz, & omib; Ballivis & fidelib3 toti⁹ hibnie suis Qm volum, scam Salutē. qsuetudinē regni ñri Anglie singulis qurentibz de injuria in regno nro Hibnie Justiciam exhibi; for m bviū de cursu quibz id fi solet psenti scipto duxim9 inserend & ad vos tansmittend ut p ea que ad casus certos & nominatos in scipto isto Justicia in vos bre 🛚 sigillū Justič ñri Hibnie teneatr. Teste me ipo apud Cant Decimo die Novembris Anno r nri xij,° &c.

[ENRY] by the grace of God, King of England, lord of Ireland, duke of Normandy and Aquitaine, count of Anjou, to the archbishops, bishops, abbots, earls. barons, knights, free tenants and all his bailiffs and faithful people of all Ireland, greeting. Whereas we will that justice should be exhibited to those who complain of injury in our realm of Ireland, according to the custom of our realm of England, we have thought fit that the form of writs of course by which that is wont to be done should be inserted in this present writing and transmitted to you, so that by those which [apply] to the particular cases, and named in this writing, justice, by writ and seal of our Justiciar of Ireland, may be maintained among you. Witness myself at Canterbury, the tenth day of November in the twelfth year of our reign.

Here follows a Schedule of the Writs.1

¹ For a detailed notice of them, see History of the Register of Original Writs. by Professor F. W. Maitland. (Harvard Low Review, Oct., 1889, Vol. III., No. 3).

12 HENRY III. A.D. 1228.

[CLOSE ROLL (ENGL.) 12 HENRY III. m. 8.]

legibz & cōsuetuđ observandis ī Hibñ.} ex eidē Rič. Mandam⁹ vob nil pcipietes qatin' Eto die & 20 faciatis venire cora vob chiepos, epos, abbes, piores, mites & barones, milites & je tenētes * ballīos singlos mitatuū * corā eis publice gi faciatis cartā đni J. R. pris i cui sigillū suū appensū est, ıā fi fec & jurari a magnabz Hibñ de legibz * qsuetunib; Angi obsvand i Hibñ. t Bcipiatis eis ex pte ñra qd ges illas & qsuetudīes in irta pdca quentas decelo mil teneāt & obsvēt, & hoc le p singlos comitat, Hibn lamari faciatis e teffi, phibētes imil ex pte ñra & sup prisfcură firam ne quis cota mandatū ñrın venire sumat, eo excepto, qd nº de 10rte nº de catallis Hibnensiū ccisos nich statuatr ex pte

F laws and customs to be King John's observed in Ireland. Charter as to observance of The King to the said Richard English laws de Burgh, Justiciar of Ire- and customs We command you, be observed. land]. firmly enjoining that on a certain day and at a certain place you cause to come before you the archbishops, bishops, abbots, priors, earls, and barons, knights, and free tenants and bailiffs of the several counties, and before them cause to be publicly read the charter of the lord King John our father, to which his seal was appended, which he caused to be made and to be sworn to by the magnates of Ireland, concerning the observance of the laws and customs of England in Ireland; and enjoin them on our behalf that those laws and customs in the said charter they henceforth contained firmly keep and observe, and cause this [ordinance] to be proclaimed and kept through- Proclamation out the several counties of of this Ireland, firmly forbidding on our behalf and upon forfeiture to us, that anyone should presume to contravene this

ordinance.

Respite to Michaelmas as to death and chattels of Irishmen slain.

ñra cita qindecim dies a die Sči Mich anno ř n xijo, sup quo respectū dedim⁹ magnatibz ñris Hibñ usq. fminū Bdčm. T. ut supa.

[i.e., 'T. me ipo apd Westm. viii. die Maii, anno xijo.']

our mandate, excepting that of the death or of the chattels of Irishmen slain, nothing be decided on our behalf before the quinzaine of Michaelmas in the twelfth year of our reign, upon which point we have given respite to our magnates of Ireland until the said term. Witness as above [i.e. witness myself at Westminster the 8th day of May, in the twelfth year].

18 HENRY III. A.D. 1233.

[PATENT ROLL (ENGL.) 18 HENRY III. m. 17.] IBN. de placitis laici feodi * advoč ecctiaz. } Rex com, bar, militib; * libis hõib3 & õib3 aliis de Pra Hibnie, salt. Qia manifeste dinoscit^r qª coronã dignitate nram & cosuctud & leges regni ñri Angt quas bone memorie dñs J. rex pr ñr de cõi ōiū de Hibñ cōsensu Teneri statuit in fra illa qd placita teneantr i cur Xpianit de advocoibs eccias e cappllas vel de laico feodo vel de catall q no sut de test vi

TRELAND—Of pleas of lay fee and advowsons of churches. The King to the earls, barons, knights. and free men and all others of the land of Ireland, greet-Whereas it is clearly ing. discerned to be contrary to our crown and dignity and the customs and laws of our realm of England, which the lord King John our father, of happy memory, with the common consent of all men of Ireland, ordained to be kept in that land, that pleas should be held in a court Christian concerning advowsons churches and chapels or of lay fee or of chattels, which are matimonio; vob mandam⁹ phibentes qutinus hi pt ī cur Xpian nullaten Seq! Bsumatis ī manifestū dignitatis & corone ñre Bjudiciū Scitti p Eto qd si fecitis dedim⁹ ī mandatis justic ñro Hibñ statuta cur ñri i Angl q tensossores h mand ñri cu justicia pcedat & qd nr̃m est exeqetr. In c9 €c, T. ut sa. [i.e., T. B. ap Winchecūb, xxviij. die Oct a. r. n. xviiiº.]

Et mand est arch epis abbtib; priorib; archid decanis ticis qd h'i pt i cur Xpianit tefle no Bsumat.

Et mand est justic Hibn p lifas et qd Bdcas lifas pat publice legi * tefii fac.

not connected with testamen- Pleas of lay tary or matrimonial matters, advowson of we forbidding that you should churches not to be pleaded presume in anywise to sue in a court such plea in a court Christian. the manifest prejudice of our dignity and crown. command you that it be proclaimed for certain, that if you do so, we have given it in command to our Justiciar of Ireland [that according to] the statutes of our court in England he should justly proceed against transgressors of this our mandate and execute what belongs to us. In witness. &c., witness as above [i.e., witness the King at Winchcombe the 28th day of October. in the 18th year of our reign].

And it was commanded to the archbishops, bishops, abbots, priors, archdeacons, deans, and all prelates and ecclesiastical persons that they presume not to hold such pleas in a court Christian.

And it was commanded to the Justiciar of Ireland by letters close that he cause the said letters patent to be publicly read and kept.

Christian.

19 HENRY III. A.D. 1234.

[CLOSE ROLL (ENGL.) 19 HENRY III. m. 23 d.]

The Writ as to making of bounds to run in Ireland as in England.

YBN, de divisis fac ī Hybñ.} Rex eidē justič salt. Quia datū est nob intlligi qd justicia quo ad divisas faciendas in? Pras divsaz villaz in Pra ñra Hibñ nimis progatr € dāpnū ex eo sepi⁹ qtingit eo qd bre nrm de divisis faciendis no currit in ptib; fdcis, vob mandam? qd bre illud de celo ibide currere faciatis in forma qua currit in fra nra Angt. Ut aut de forma ipius bris pleni9 ctioremini ipam littis nris pat duxim9 inserendā & vob transmittendā.

Dñs rex mittit ei formā littas de divis faciendis ec.

Bracketed with other entries under the following date:--'T. R. ap Scm Alban xxvij die Nov.']

RELAND. ing of bounds in Ireland. } The King to the Justiciar [Maurice FitzGerald, Justiciar of Ireland] greeting, Whereas we have been given to understand that as regards the making of bounds between the lands of divers vills in our land of Ireland, justice is too much delayed and injury often happens from this cause, that our writ of the making of bounds does not run in the parts aforesaid, we command you that you cause that writ to run therein henceforth in the form in which it runs in our land of England. order however that you may be more fully informed of the form of the said writ, we have thought fit to insert it in our letters patent and to transmit it to you.

Of the mak-

The lord the King also sends to him the form of letters concerning the making of bounds, &c.

[Witness the King at St. Albans the 27th day November.]

HENRY III. A.D. 1236.

THE PROVISIONS OF MERTON.1

It was provided in the court of our lord the King, holden at Merton on Wednesday the morrow of the feast of St. Vincent, the 20th year of the reign of King Henry the son of King John, before [Edmund] Archbishop of Canterbury, and [his bishops suffragan] and before the greater part of the Earls and Barons of England being there assembled for the coronation of the said King and Alianor the Queen, for which they all were called; when it had been treated for the commonweal of the realm, upon the articles underwritten, it was thus provided and granted as well by the aforesaid Archbishop, Bishops, Earls and Barons, as by the King himself and others.

I. First, of widows who after the death of their husbands are deforced Damages to of their dowers, and cannot have their dowers or quarentine without widow on writ plea, whosoever deforce them of their dowers or quarentine without widow on whereof their husbands died seised, and that the said widows after shall recover by plea, they that are convicted of such wrongful deforcement shall yield damages to the said widows; that is to say, the value of the whole dower to them belonging, from the time of the death of their husbands unto the day that the said widows, by judgment of court, have recovered seisin thereof; and the deforcers nevertheless shall be amerced at the King's pleasure.

II. Also, from henceforth all widows may bequeath the corn of their Widows may ground, as well of their dowers as of other their lands and tenements, bequeath saving to the lords [of the fee] the services which are due for their corn of their

dowers and other tenements.

III. Also, if any be disseised of their freehold, and before the Justices in Eyre have recovered seisin by assise of novel disseisin, or by confession punishment of them who did the disseisin, and the disseisee has had his seisin by the punishment sheriff: if the said disseisors afterwards after the evre of the Justices in Redisseisin. sheriff; if the said disseisors afterwards after the eyre of the Justices, have disseised the same plaintiff again of the same freehold, and thereof are convicted, they shall be forthwith taken and kept in the King's prison until they shall be discharged by the lord the King, by fine or by some other means. And this is the form how such convicted persons ought to be punished, that is to say, when the plaintiffs come to court they shall have the lord the King's writ directed to the shell be contained the numerical directed to the shell be contained to t shall be contained the narration of disseisin done upon disseisin: and so it shall be commanded to the sheriff, that he, taking with him the keepers of the pleas of the crown, and other lawful knights, in his proper person shall go to that tenement or pasture, whereof the plaint has been made, and before them, by the first jurors and other neighbours and lawful men, shall make diligent inquisition thereof; and if he find him disseised again, as is aforesaid, then let him do according to the disseised again, as is aforesaid, then let him do according to the provision aforementioned; but if not, then the plaintiff shall be amerced [by the King] and the other go quit; neither ought the sheriff to prosecute such plaint without special precept of the lord the King. In the same manner it shall be done to them who shall have recovered seisin by assise of mort d'ancestor; and so shall it be of all lands and tenements recovered in the King's Court by inquests, if afterwards they have recovered in be disseised by the first deforcers, against whom they have recovered in anywise by inquest.

lands.

^{&#}x27; Text taken from MS. (Brit. Mus.) Cott. Claud, D., II., fo. 142, is printed in Statutes of the Realm, L p. 1.

Common of pasture by freeholders within great manors.

IV. Also, inasmuch as many great men of England, who have enfeoffed knights and their freeholders of small tenements in their great manors, have complained that they cannot make their profit of the residue of their manors, as of wastes, woods, and pastures, while the same feoffees have sufficient pasture, as much as belongs to their tenements; it is thus provided and granted, that what persons so enfeoffed bring assise of novel disseisin for their common of pasture, and it is recognized before the justices, that they have as much pasture as suffices for their tenements, and that they have free ingress and egress from their tenements unto their pasture, then let them be contented therewith; and they of whom they had complained shall go quit of that which they have made their profit of the lands, wastes, woods, and pastures; and if they allege that they have not sufficient pasture, or sufficient ingress and egress as appertains to their tenements, then let the truth be inquired by assise; and if it be recognized by the assise, that their ingress or egress were in any way hindered by the same [deforcers] or that they had not sufficient pasture and sufficient ingress and egress, as is aforesaid, then shall they recover their seisin by view of the jurors : so that by their discretion and oath, the plaintiffs shall have sufficient pasture, and sufficient ingress and egress in form aforesaid; and the disseisors shall be ameroed by the King, and shall yield damages, as they ought to have rendered before this provision. And if it be recognized by the assise, that the plaintiffs have sufficient pasture with free and sufficient ingress and egress as is aforesaid, then the others may make their profit lawfully of the residue, and go quit of that assise.

Usury shall not run against minors.

V. Likewise, it is provided and granted by the lord the King, that from henceforth usuries shall not run against any under age, from the time of the death of his ancestor, whose heir he is, unto his lawful age; so nevertheless, that payment of the principal debt, together with the usury before the death of his ancestor, whose heir he is, remain not [unpaid] by reason of this.

VI. Of heirs abducted or detained by force [or married] by their kin-

Penalties for ravishment. &c., of a Ward; forfeiture of marriage;

dred, or by others, it is thus provided: that whatsoever layman be convicted of this, that he has so detained, abducted, or married any child, he shall yield to the loser the value of the marriage; and for the offence his body shall be taken and imprisoned until he have recompensed the loser, if the child be married; and further, until he have satisfied the lord the King for the trespass; and this shall be done of an heir under the age of fourteen years. And touching an heir being fourteen years old or above, unto full age, if he marry without licence of his Lord to defraud him of the marriage, and his Lord offer him reasonable marriage, without disparagement, then his Lord may hold his land beyond the term of his age, that is to say, of one and twenty years, for such time as he may receive thereout double the value of the marriage according to the estimate of lawful men, or according to what had been offered him before for the said marriage without fraud and collusion, and according to what may be proved marriage without fraud and collusion, and according to what may be proved in the King's Court. And as touching Lords, who have married those that they have in ward to villeins, or others, as burgesses, where they be disparaged, if any such heir be under the age of fourteen years, and of such age that he cannot consent, then, if his kindred complain, the Lord shall lose the wardship, up to the legal age of the heir; and all the profit that thereof shall have been taken, shall be converted to the use of the heir being under age, according to the disposition and provision of his kindred, for the disgrace done to him; but if he be fourteen years and above, so that he might consent, and shall have consented to such marriage no penalty shall follow marriage, no penalty shall follow.

and disparage. ment of a Ward in marriage.

¹ Several MSS. insert "seu maritatis" here.

VII. If an heir, of what age soever he be, will not marry at the request In what case of his Lord, he shall not be compelled thereunto; but when he shall a Ward shall have come to full age, he shall give to his Lord, and pay him as much as pay to his lord any would have given him for the marriage, before he receive his land; the value of and that whether he will marry himself, or not; for the marriage of him his marriage. who is under age of mere right appertains to the Lord of the fee.

VIII. Touching the narration of descent in a writ of right from an Limitation of ancestor from the time of King Henry the elder, the year and day [on writs. which he died], it is provided, that from henceforth it be not made of writ of right so long time, but from the time of King Henry our grandfather; and this provision shall take effect at Pentecost, the one and twentieth year [of our reign,] and not before, and the writs before purchased shall proceed; writs of mort d'ancestor, of natives, and of entry, shall not go cestor, &c. beyond the last return of King John [from Ireland] into England; writs of novel disseisin shall not go beyond the first voyage of our lord the King that now is, into Gascony; and this provision shall take effect from the time aforesaid, and writs purchased before shall proceed.

IX. To the King's writ of bastardy, whether one born before One born wedlock may have his inheritance in like manner as he that is born after, before

IX. To the King's writ of bastardy, whether one born before One born wedlock may have his inheritance in like manner as he that is born after, before all the Bishops answered that they would not, and could not answer to it; marriage of because it was against the common order of the Church. And all the parents a Bishops requested the Magnates to consent that such as were born before bastard. wedlock should be legitimate, as well as they that are born after wedlock, as to the succession of inheritance, forasmuch as the Church holds such as legitimate. And all the Earls and Barons with one voice answered, that they would not change the laws of England, which hitherto have been used and approved.

X. It is provided and granted, that every freeman, who owes suit to Attornies in the County, Trything, Hundred, and Wapentake, or to the court of his several courts. Lord, may freely make his attorney to do those suits for him.

XI. Concerning trespassers in parks and vivaries it was not decided; Trespassers because the Lords demanded their own prison of such as they should take in parks. in their parks and vivaries, which the lord the King denied; wherefore it was deferred.

CLOSE ROLL (ENGL.) 20 HEN. III. m. 13 d.

The Constitutions made at Merton above enrolled, namely on the 8th day of February, were sealed with the seal of the lord the King [and] transmitted into Ireland to run in those parts and to be observed as in England, and of this mention is made in the writ directed to the Justiciar of Ireland within enrolled.

The King to his beloved and faithful M[aurice] FitzGerald, his Justiciar of Ireland, greeting. The bearer of these presents showed to us that whereas he lately in our Court before our justices for this purpose lately by you constituted in Ireland, recovered his seisin, against a certain man, of his free tenement, his said adversary afterwards again disseised him of the same tenement, and accordingly, we send you under our seal, the

¹ Six other MSS. read "Brittany" here.

2 The particular case presented to the King by George Desaffuble on behalf of Luke, Archbishop of Dublin, and Maurice FitzGerald, Justiciar of Ireland, was one regarding persons born before and after wedlock. (See cap. IX.)

Constitution lately in such case made before us and our magnates of England, and also other articles for the improvement of our realm, commanding that with the advice of the venerable father L[uke] archbishop of Dublin, you cause that Constitution to be read and from henceforth strictly observed in our Court in Ireland, and that you cause full justice to be administered to the said complainant according to the same. Witness the King as above [i.e. at Mortlake, 9th May].1

20 HENRY III., A.D. 1236.

THE STATUTE OF IRELAND.

CONGERNING COPARCENERS,2

HENRY, by the grace of God, King of England, &c. To his b and trusty M[aurice] FitzGerald, his Justiciar of Ireland, greeting. To his beloved Whereas certain Knights from your parts of Ireland lately coming to us, have informed us that when an inheritance devolves on sisters in our

of the law of England as to lands descending to co-parceners.

Certificate

The King's lands.

Lands held of others.

The eldest daughter shall not bave others.

kingdom of Ireland, our justices in eyre in those parts are in doubt whether younger sisters ought to hold of the eldest sister, and do homage whether younger sisters ought to hold of the eldest sister, and do homage unto her for their portions, or of the chief lord and do homage unto him; and forasmuch as the said Knights have requested that it be certified by us how it has been used heretofore in our kingdom of England in like case; at their instance, We make known to you that in our kingdom of England the law and custom in such case always was, that if any hold of us in chief and have daughters as heirs, on the death of the father our ancestors and We have always had homage of all the daughters, and each of them in this case holds of us in

chief, and if they were under age We have had the ward and marriage

of them. But if he hold of any other than of us, and the sisters be under age, the lord shall have the ward and marriage of them all, and the eldest only shall do homage to the lord for all the sisters, and

when the other sisters come to age they shall do services to the lords of the fee by the hands of the eldest, mor can the eldest by this occasion seek from her younger sisters homage or ward or any other mark of subjection, and for this reason; that whereas all are sisters, as one heir of one inheritance, if the eldest should have homage of the other sisters and wardship, then the same inheritance would be divided, so that the homage of the eldest sister would become altogether and at once seignoress and heir of the one inheritance, that is to say, heir of her own part and seignoress of her sisters, which in this case could not happen, inasmuch as the eldest can demand no more than the youngest, save the chief messuage, by reason of esnecy; and moreover since the eldest is heir of all the other sisters if they should die without an heir of their own, if she could have the wardship of her sisters or their children, this would be (as it were) to commit the lamb to the wolf to be devoured. And therefore we command you that the aforesaid customs in this behalf, which we hold in our realm of England according to what is aforesaid, you cause to be proclaimed and strictly observed in our realm of Ireland. Witness the King at Nottingham, the 30th day of August.

¹ The Provisions of Merion were re-enacted for Ireland by Statute in a parliament held in Dublin, 13 Edward II., cap. 2. ² Text taken from Close Boll (Eng.) 20 Hen. III. m. 4d., is printed in Statutes of the Realm, I. p. 5.

21 HENRY III. A.D. 1236.

[PATENT ROLL (ENGL.) 21 HENRY III. m. 10.]

Epvisione novož břium. } Rex archiefis, efis, abbtibz, prioribz, combz bar, militiba & omiba libe tenentiba in Hibnia constitutis salt. Sciatis qd in psencia ven pris E. Cant archiepi Epoz abbm comitū e bar de regno Angi € de cõi osilio eorumdē magnatū nup pvisū fuit qd quedā bria nra de cursu mutentr in articlis subsciptis, vid in narracone descens, ab añcessorib; in bři de recto q pius fi solet a tempe H. regis senis anno e die quo obiit; pvisū est qd decelo no fiat computo a tam longingo tempe, set a tempe regis, H. avi ñri. Bria mortis ancess e bria de nativis quoz Pmin prius fuit p⁹ pⁱmam cor R. reg avncti ñri : decelo no excedat ultimu reditū đni J. regis pris nri de Hybn in Angt, Bria vero

F the provision of new Limitation of The King to Write in Ireland. Writs in Writs. the archbishops, bishops, abbots, priors, earls, barons, knights, and all free tenants in Ireland, greeting, Know ye that in the presence of the venerable father E[dmund] archbishop of Canterbury, the bishops, abbots, earls, and barons of our realm of England, and with the common counsel of the said magnates. it was lately provided that certain of our writs of course should be changed in the points underwritten, that is to say, in the narration of descent from ancestors in the writ of right, which formerly was wont to be made from the time of King Henry the elder, the year and day on which he died, it is provided that henceforth the reckoning shall not be made from so distant a time, but from the time of King Henry our grandfather; writs of mort Mort of d'ancestor, &c. writs d'ancestor and villeins, whereof the limit was formerly after the first coronation of King Richard our uncle, shall henceforth not go beyond the last return of the lord King John, our father, from Ireland into Novel England; and writs of novel disseisin.

nove disseisine quos Pmin9 pius fuit p⁹ pimā cor ñram añ Westm: decelo no excedat t^ansfretacom ñram in Britanniā q fuit pimo die Maii, anno r ñ xiiijo, & flat sic fmin' p' tansfretacom nram in Britann. Sic autē intlligenda est pvisio Bdča; qd ostičo ista locu hat * vigorem ad Pentecosten ã r ñ xxjº * nō ante, * bria pius impetata sub fminis pioriba pcedāt. Qm igitr volum qd eed leges & qsuetudies obsvantr in regno ñro Angt teneantr in Hybñ mandavim9 justič nro Hybnie qd pvisione Bdčam p totā balliā suā clamari * firmit in Hibn teneri fac, * hoc vob significam, ut de pvisione Bdca vos ctificem?. * qantū in vob est eā teneatis. T. Rap Westm, ut so. [i.e., 'T. Ε ap Westm, xx. die Marcii.']

Proclamation thereof.

disseisin, whereof the limit was formerly after our first coronation at Westminster, shall henceforth not go beyond our crossing into Brittany which was on the first day of May, in the fourteenth vear of our reign, and the limit shall be made thus, after our crossing into Brittany. The said provision bowever is to be so understood that this ordinance shall have place and force at Pentecost in the twenty-first year of our reign and not before, and writs purchased previously under the former limits shall proceed; Since therefore we will that the same laws and customs which are observed in our realm of England, be kept in Ireland, we have commanded our Justiciar of Ireland that he cause the said provision to be proclaimed throughout the whole of his jurisdiction and to be strictly kept in Ireland, and this we notify to you that we may certify you of the said provision, and as far as in you lies, you may keep the same.

Witness the King at Westminster as above [i.e. witness the King at Westminster the twentieth day of March].

21 HENRY III. A.D. 1237.

[CLOSE ROLL (ENGL.) 21 HENRY III. m. 2.]

de Natis añ mrimoniu. } Rex justic suo Hibn salt. Significam? vob sič alias significavim9 õd nat' añ mrimoniu cui movetr questio cognoscat se če natū an mrimoium; ne petere potest ħeditatē petita retifie sedm cosuetudine Angi, ne tai si dicat se natū ee post no est mittendus ad cur X pianitatis eo qd cler tale ht p legitimo. Et To vob mandamus qating scdm qd Bdcm est i ptib; vris id fi T. ut sa. [viz., 'T. faciatis. Pap Noting, vj. die Oct.]

TRELAND: Of those born Of those born The before wedlock. before wedlock.} King to his Justiciar of Ireland [Maurice FitzGerald], greeting. We notify to you, as on another occasion we have notified, that if one born before wedlock, regarding whom question arises, acknowledge that he was born before wedlock, he cannot according to the custom of England, either sue for an inheritance or retain it when recovered, nor if such person say he was born after wedlock, is he to be sent to a court Christian, because the clergy hold such as legitimate. therefore we command you that you cause it to be done in your parts according to what is aforesaid. Witness as above [i.e. witness the King. at Nottingham the 6th day of October].

21 HENRY III. A.D. 1237.

[Close Roll (Engl.) 21 Henry III., m. 2.]

Writ of

IBN. de bri de divisis. } Mand est justic Hibn qd si bre R de ronab divisis faciendis fuit ī usu ī Hibñ añqa Rics Duket & Sim de Hall qos Rex illuc misit ad itifland ad ptes illas venissēt & si p ipos sñ coi assensu magnatū Hibn fuit abrogatum * ne cursale čet phibitū; tūc p cõē cosiliu e assensu eoşd magnatu Bdčm bre fač i usū revocari ₹ p illud placitari eod mº quo fi cosuevit anq ipi Ric a Sim i Hibn venissit p Beepi R. T. ut s. [viz., 'T. R. ap Noting, vj. die Oct.']

RELAND: Of the Writ of Bounds.} The Justiciar of Ireland [Maurice FitzGerald] is commanded that if the King's writ concerning the making of reasonable bounds were in use in Ireland before Richard Duket and Simon de Hall, whom the King sent thither [as justices] in eyre, had come to those parts, and if it were abrogated by them and forbidden to run without the common assent of the magnates of Ireland, then by the common counsel and assent of the said magnates he should cause the writ aforesaid to be recalled into use, and pleas to be pleaded by it in the same manner in which it was accustomed to be done, before the said Richard and Simon had come into Ireland by the King's command. Witness as above [i.e. Witness the King at Nottingham the sixth day of October.]

22 HENRY III. A.D. 1238.

[CLOSE ROLL (ENGL.) 22 HENRY III. m. 16 d.]

YBN. Bre de Bastardo. R justič Hybn salt. Sciatis q h est quetudo usitata in regno ñro Angt qando bastardus aliqis moritr sine herede de se; Pra qa tenuit debet revti ad illū de qo bastard' ille tenuit Pram illa i capite e ut sciatis formā brevis ñri in casu illo; mittim9 vob formā illā liteis กับร่ inclusā, vob mādātes q*tin9 bre illud usitari faciatis ī tali casu in Tra ñra Hybñ, juxª formā illā pvidētes Robto de Hyda, & uxori sue justicie plenitudinē exhibi. T. Rap Theok, v. die Apit, anno xxijo.

RELAND: Writ as to a Bastard The King dying with-Bastard.} to his Justiciar of Ireland out an heir. [Maurice FitzGerald], greet-Know ye that this is the custom used in our realm of England, when a bastard dies without heir of his body, the land which he held ought to revert to him of whom the bastard held that land in chief, and that you may know the form of our writ in that case, we send you that form enclosed in our letters, commanding you that you cause that writ to be used in such case in our land of Ireland according to that form, providing that full justice be shown to Robert de Hyda and his wife. Witness the King at Tewkesbury the 5th day of April in the twentysecond year.

30 HENRY III., A.D. 1246.

As to the Laws of England being Observed in Ireland.1

The King, &c. Forasmuch as for the common benefit of the land of Laws and Ireland and the unity of the King's dominions, the King wills and customs of by the Common Council of the King it is provided that all the laws and England to be customs which are observed in the kingdom of England should be observed in observed in Ireland, and the said land should be subject to the said laws, Ireland. and should be ruled by the same, as the lord, King John, when he was last in Ireland, ordained and ordered to be done. Forasmuch also as the Writs of King wills that all writs of common right which run in England should right. likewise run in Ireland under the King's new seal, it is commanded to the Archbishops, &c., that for the peace and quiet of the said land they permit them to be ruled and governed by the same laws and follow them in all things. In witness whereof, &c. Witness the King at Woodstock, the 9th day of September.

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¹ The text taken from Patent Roll (Engl.) 30 Hen. III. m. 1, is printed in Rymer's Fudera I., p. 266.

53 HENRY III. A.D. 1269.

[Plea Roll, Ireland. No. 5.—Roll of Justices Itinerant. m. 10.]

PROVISU e statutu est de cōsilio dni R. de Ufford, capital justic Hibn e alios fideliu dni E. qui sut pill de ej' cōsilio e de cōcensu õium magnatum e toci' cōitat Hibn q' una e eadem mensura cuj'libet gestis bladi una e eadem lagena una e eade pōdera e una e eadem ulna sit de celo p totam Hibn sic sut in civitate london cōstituta e appbata. Et q' aliq's de celo qui aliq'e vina seat vendicoi exponenda doliu vini no vendat n' ad sciu quo polit di m' lucri reportare. Et q' aliq's svientu qui bladum recipe debent e cōsuevunt p pastu suo de celo no recipeant n' mensuram bladi scit q'rteriu london ad duodeci septim. Et si aliq's sviens hoc cōtempsit e ad recipiend negligens sui castigare e impisonare.

7 EDWARD I. A.D. 1279.

[RED BOOK OF THE EXCHEQUER, IRELAND, FOL. 96 d.]

Statuta de viris Religiosis. EX Justiciariis suis de Banco salim. Cum dudum puisum fuisset qd viri Religiosi feoda aliquox no ingrederent sine licencia e voluntate capitaliu dnox de quibz feoda illa inmediate tenent e viri Religiosi postmodum nichilomin tam feoda sua ppria qa aliox hactenus ingressi sint ea sibi appropriando e emendo e aliqu ex dono aliox recipiendo p quod suicia que ex hui modi feodis debent e que ad defensionem

¹ Interlined.

53 HENRY III. A.D. 1269.

UNIFORM WEIGHTS AND MEASURES THROUGHOUT IRELAND.

T is provided and enacted by the council of Sir R[obert] de Ufford, Chief Justiciar of Ireland, and other of the faithful people of the lord Edward who are likewise of his council, and with the consent of all the magnates and the entire commonalty of Ireland, that one and the same measure of every kind of corn. one and the same gallon, one and the same weights, and one and the same ell shall be from henceforth throughout all Ireland, as they are appointed and approved in the city of And that anyone from henceforth who may have Price of wines. any wines to be exposed for sale shall not sell the tun of wine unless at a price at which he can gain half a mark of profit. And that any of the serjeants who ought and were accustomed to Allowances to receive corn for their subsistence, from henceforth shall only vervants. receive a measure of corn, to wit, the quarter of London, every twelve weeks; and if any serjeant despise this and be neglectful in taking [his allowance], it shall be lawful for his lord to chastise and imprison him in his body.

7 EDWARD I. A.D. 1279.

STATUTE AS TO MEN OF RELIGION. (ALSO CALLED THE STATUTE OF MORTMAIN).

THE King to his Justices of the Bench, greeting. Whereas, of late it No land shall was provided, that men of religion should not enter into the fees of be aliened in any persons without licence and will of the chief Lords, of whom those fees main of are immediately held; and notwithstanding, men of religion have after-forfeiture. wards entered as well into their own fees, as those of other men, appropriating and buying them for themselves, and sometimes receiving them of the gift of others, whereby the services that are due of such fees, and which from the beginning were provided for defence of the realm, are

Regni ab inicio puisa fuerunt indebite subtrahunt' e dni Capitales eschaetas suas inde amittunt; nos sup hoc p utilitate Regni congruŭ remediŭ puideri volentes, de consilio flatos Comitū & alioz fideliū Regni ñri de consilio ñro existencium puidim' statuim' & ordinam' qd nullus Religiosus aut alius quicuq fras aut ten aliqua eme vel vendere aut sub colore donacionis aut Pmini vel alPius tituli cui°cuq ab aliquo recipe aut alio quouismodo arte vel ingenio sibi appriare Bsumat sub forisfcura eoşd p quod ad manu mortua terre * teñ hui'modi deueniant quoquomodo. Prouidim⁹ etiam qd si quis religiosus aut alius contra Bsens statutum aliquo modo arte vel ingenio venire Bsumpserit; Liceat nobis & aliis inmediatis capitalib; dnis feodi taliter alienati illud infra annū a tempore alienacionis hui'modi ingredi * tenere in feodo * hereditate. Et si capitalis dns inmediatus negligens flit & feodum hui?modi ingredi noluerit infra annu, tuc liceat pxº capitali dno mediato feodi illius infra dimidiū annū sequētē feodū illud ingredi e tenere sicut Bacm est. Et sic quilib; ans mediatus faciat si ppinquior đns in ingrediendo huiºmodi feodū negligens fûit ut Bđcm est, Et si omes huimodi capitales dni huimodi feodi qui plene fuerint etatis e infra qetuor maria e extra pisonam p vnū annū negligentes vel remissi fuerint in hac parte; nos statim post annum completum a tempe quo huiºmodi empciones donacões aut alias appropriaciones fieri, contigerit, terras * teñ huiºmodi capiem⁹ in manū ñram & alios inde feoffabimus pro certa seruicia nobis inde ad defensionem Regni nostri facienda; saluis capitalibus dnis feodoș illos Wardis eschaetis e aliis ad ipos ptinentib; ac seruiciis inde debitis & consuetis. Et ideo vobis mandamus qd statutum coram vobis Legi * decetero firmiter teneri e obsuari faciatis. Teste Rege apud Westmonaster xvo die Noû anno r sui septimo.

unduly withdrawn, and the chief Lords lose their escheats thereout. We, therefore, for the profit of the realm, intending to provide suitable remedy, by the advice of the Prelates, Earls, and other lieges of our kingdom, being of our Council, provide, establish, and ordain, that no person, religious or other, whosoever, presume to buy or sell any lands or tenements, or to receive them from any under pretence of gift or term, or any other title whatsoever, or by any other craft or device to appropriate same to himself, under forfeiture of the same, whereby such lands and tenements may any wise come into Mortmain.

We provide also, that if any person, religious or other, presume by The lords of any other craft or device to offend against this statute, it shall be the fee shall lawful to us and other immediate chief Lords of the fee so aliened, to successively enter into the same within a year from the time of such alienation, and of the to hold it in fee and inheritance. And if the immediate chief Lord he forfeiture. negligent, and will not enter into such fee within the year, then it shall be lawful for the next chief Lord mediate of the same fee to enter into the same fee within half a year next following, and to hold it as before is said. And so every Lord mediate may do, if the next Lord be negligent in entering into such fee, as is aforesaid. And if all such chief Lords of such fee, who shall be of full age, and within the four seas, and out of prison, be negligent or remiss in this behalf for one year, we, On their immediately after the completion of a year from the time it happened neglect for that such purchases, gifts, or other appropriations were made, shall take the king such lands and tenements into our hands, and shall infeoff others thereof, in shall take, consideration of certain services to be rendered to us thereout for the defence of our realm; saving to the chief Lords of the same fees their wardships, escheats, and other things appertaining to them, and the services thereout due and accustomed. And therefore we command you, that you cause the aforesaid Statute to be read before you, and from henceforth to be firmly kept and observed. Witness the King at Westminster, the fifteenth day of November, in the seventh year of his reign.

twelve months

take benefit

12 EDWARD I. A.D. 1284.

[RED BOOK OF THE EXCHEQUER IN IRELAND, FOL. 79.]1

DWARDUS dei gra Rex Angt Dñs Hibñ & Dux Aquil Thes & Baronib3 de Scacio ac Camariis suis satum. Vt indempnitati nre e poplo regni nri in aliquib; que nos e poplm nrm Bdcm & scacio nro Bdco contingut pspiciatur volum, & puidimus qd non scibantur de celo corpa Com in Rotut anualib; s; scribantur in quodam rotulo et legantur singulis annis sup compotū vič. Singula vidett de singulis [Comi]2tatib3 et ut sciatur si quid inde accidere possit ex qecumq causa remanencia vero firmez eozdē Com[post Pr]2as datas scbantr in rotulis anualib; * offentur inde vič, in quib;quide remanentib3 associentr8 libta[coes *]2 elemõie constitute * alie allocacones si quas vic hu⁹int de exitib3 battie sue p bria sua. [ad sug]²gestionē diu⁹soş Baltioş ñroş fiunt bria ñra de diu⁹sis allocacoib3 ad graue dampnū nrm volum⁹ [* puidi]²mus ad de hui modi allocacoib; sic faciendis de celo fiat vis in scacio € hui?mod visu fidetr fco[iidem]3 Theš € Barones certificent Cancellar nrm de debit allocacoib; faciendis. bria de allocacoibs [juxta] cotificacoem Bacam. Scribantr € in eisdem rotut anualib3 firme vič, pficua Com, firme seriantiaș [+] assertoș firme Civitat Burgoș villaș + alie firme de quib; responsu est annuatim ad sceem film [Item]? sc'bant^r in eisdem rotut omia debita attminata omia grossa debita de quib3 spes est qd aliquid inde reddi [possit]2 Item omia debita que videntur ce va.4 Cum vo pventu fuºit in compot ad titulu de nouis obligatis no sc'hant in rotlo anuali

¹ This Statute being found in the Red Book, but without writ for its observance in this country, is placed as of the year of its enactment.

² Obliterated.

³ Associatiur. The Close Boll (from which the text in Stat. Realm is taken) reads allocatur.

⁴ Close Roll reads clara.

⁵ Close Roll reads clara.

⁶ Close Roll reads oblatis. In the Exchequer this signified old debts brought from precedent years and put to the present sheriff's charge.

12 EDWARD I. A.D. 1284.

STATUTE OF RHUDDLAN-PROVISIONS MADE IN THE EXCHEQUER.

DWARD by the grace of God, King of England, lord of Ireland and Duke of Aquitaine, to his Treasurer, Barons, and Chamberlains of the Exchequer greeting. To the intent that provision may be made, for the indemnity of us and of the people of our realm, in certain things which concern us and our said people, in our said Exchequer, we will and provide that from henceforth the bodies of the counties be not written in the Annual rolls, but that they be written in one certain roll and be read every year upon the account of the sheriffs; each to wit, of the several counties, that it may be known if anything can thereof accrue to us by any reason; but the remanents of the farms of the said counties shall be written after "lands granted," in the Annual Rolls, and the sheriffs shall be therewith charged, in which remanents the Liveries and Alms assigned shall be included, and other allowances, Allowances if the sheriffs have any, of the issues of their bailiwick by their writs. And and amounts because at the suggestion of divers of our bailiffs, our writs are made of of farms and divers allowances, to our great loss, We will and provide that of such manner of allowances so to be made, from henceforth view be made in the Exchequer; and such view being faithfully made, the said Treasurer and Barons shall certify our Chancellor of the due allowances to be made, and write of allowances shall be made according to the aforesaid certificate. Also there shall be written in the said Annual Rolls the farms of the Sheriffs, the profits of counties, the farms of Serjeanties and Assarts, the farms of cities, burghs, towns, and other farms whereof answer is made yearly at the aforesaid Exchequer. There shall also be written in the said Rolls all debts attermined, all gross debts whereof there is hope that something may be recovered; also all debts which seem to be just. But when they come in the account to the

nisi ea de quib3 respondent [spes est, vic]1 & debita innenta in originalibus que videntur esse vera & clara. D. firmis vero mortuis & debitis de quibus no est spes fiat un' rotulus * irrotulent" Com * legant singut annis sup comp vic. Et debita de quib3 vic respondent sc'bant^r in rotulo anuali * ibi acquietentr. Item volum' & puidim' qd pclametr in singlis Com qd omes illi qui fint talt de scacio de debitis suis vi ancessora suoa ibidem solui nodu hacten, allocatis qd adhuc veniant [in summonicoem scacii libent hui?modi tallias vič suis allocand]8 ad sciem sup compot suos & Bdci vič fač ilt a q'b3 talt sic recepint sc'ptur suas testificantes recepcoem illam talt suas sumam e occeoem debitos. recepcoi tali pacaz duo milites fideles ad hoc deputati in? quos paci vicecom fac Cyrogasph de hui modi recencone sigilla. eos all'nati inuenta. Prefati vo milites ad hoc deputandi mittant ad scacm ad Pminū statuend ptes suas Cyrogasph suoz pacoz in forma paca ut p visu e testimoniu eczdem đce Talt p vicecom sic recept exibeantur sup comp suos € Proclamet^r insup qd nisi illi qui hnt h⁹modi talt libent eas vič * milit ut \$dcm est extue distingentur p toto debito e tali fice p no solutis reputabant. Item ut debita que adhuc veniūt in sumoib3 unde debitores pferūt Talf cont^a div⁹sos vič deferrent^r⁵ € acquietent^r. Providini⁹ € q̃d aliqui sint ad hoc assignati ex pte nra in singlis Com qui heant plenă ptatem ingirendi de homodi debitis e vocădisc coram eis tam soluentes qu vic hedes assignat aut tenetes Pras eos si ipi mortui fu⁹int qui hui⁹modi recepint s insup pcedend ad inq'sicoem € capiendi si ncce ffu⁹it siue ptes sint Beentes co quas talt Boce fugint ostense sine non, testificata tn p'us p vič sūma⁷ eisdem inde ronabili facta * inquisita *

The words in brackets are in Close Roll, but not in the Red Book.
The Close Roll reads intitulentur.
The sentence in brackets is in the Close Roll, but not in the Red Book.
Munita in Close Roll.
Deputentur in another MS.

⁶ So in MS.

⁷ Summonicione in Close Roll,

title "Nova oblata," nothing shall be written in the Annual Roll except those of which [there is hope of payment, and the Sheriffs] answer, and debts found in the Originals which seem to be just and clear. Of dead farms and debts of which there is no hope, one Roll A Roll of shall be made, and the counties shall be enrolled in it (or) [it shall be desperate entitled "comitatus," and read every year upon the account of the Sheriffs, and the debts whereof the Sheriffs answer shall be written in the Annual Roll and there shall be acquitted. Moreover, We will and pro- Tallies for vide that proclamation be made in every county that all those who have debts. tallies of the Exchequer of their own debts or of those of their ancestors paid there, not yet allowed, that yet may come [in the summons of the Exchequer, deliver to their Sheriffs such tallies to be allowed] at the Exchequer upon their accounts, and the aforesaid Sheriffs shall make to those from whom they shall so have received tallies, their writings testifying the receipt of their tallies, the amount and occasion of the debts.

Two trustworthy Knights deputed for this purpose, shall be present at Indentures the receipt of the said tallies, between whom and the said Sheriffs shall be thereof. made indentures of such receipt, confirmed by their seals interchangeably.

The aforesaid Knights to be deputed for this shall send to the Exchequer at a term to be appointed, their parts of their said indentures in form aforesaid, so that by view and witness thereof, the said tallies so received by the Sheriffs may be exhibited upon their accounts and allowed. Moreover, proclamation shall be made that unless those who Tallies not have such tallies deliver them to the Sheriffs and Knights as aforesaid, delivered. that thenceforth they shall be distrained for the whole debt, and the aforesaid tallies shall be reckoned as unpaid. Also that the debts which hitherto come in summons, whereof the debtors proffer tallies against divers Sheriffs, shall be defalked and acquitted. Moreover we provide that certain persons assigned thereunto on our behalf [be sent] into Commissions every county, who shall have full power of enquiring of such debts and to enquire of also of calling before them as well the payers as the Sheriffs, the heirs, Debts. assigns, or the tenants of their lands, if they be dead who have received such; and in addition, if there be necessity, of proceeding to take inquest, whether the parties against whom the said tallies were shown be

discussa e n Bsencia pciū sup hiis voitate facient dci inquisitores rotulos de omib3 debitis cora eis couictis vi confessis e irrotlatis debite ficis stati frangatur talt eos. Vicecom & heant penes se sb sigilt suis inquisitor inscipta rolloz bacoz e supsedeant disticcom faciena p debite in eisdem cotentis donec aliud inde huiint in mandatis. Bfati vo inquisitores mittant ad scacm sb sigilt suis rotulos Bacos ut ibi p scrutiniu inde² faciend examinent que debita in pte vi in toto sint soluta e que no e fca examinacone paca ongenti vic e acqietent^r debitores [scdm]¹ qd p eande fu⁹it faciendū. volum° € puidim° qd Cam°arii nō faciant de celo vic seu [aliis]¹ quibzcuq Baltis talt dividend nisi recepte prius ab eis pticlis sūmas e occoes debitos e noia [ea]1 soluenciū continētib3 in quasqide pticlas velint homodi dividend ptiri quibz sb sigilt eos [receptis]1 no licet eas in alias pticlas aliqaten' mutare. Puidim⁹ € qd ôia debita ad que vic respond[ent qd]¹ debitores nichil hut in balliuis suis n' hu⁹ūt tpe quo on⁹ati fu⁹int de eisdem debitis vi qd no [sunt] īuenti ext*hantr * sc'bantr in rotulis * t*dant' rotuli illi viris fide dign * circusp*tis q' inde fac[iant inquisicoem]1 i for p Thes & Baron puidend. Et q3 p quedā picita in scacio nro hacteno tenta que [nos seu ministros]¹ ñros eiºdem sc*cii nŏ cŏtingūt ñra € popli ñri negocia corā eisdem indebite progant" e imped[iuntur volu]1m9 e ordinam, qd nHm ptcitum decelo tenest, in hdco scecio ni iltd quod tangat [nos vel mini] stros ñros \$dcos. Et ido vob mandam, gd fimissa corā vob distincte & apte [legi rotulari &]1 de cefo obsueruari faciate in scecio fidco. In ce rei testimoniu has tras ñras . . .

Obliterated.
Interlined.

present or not, reasonable summons made to them therefor being first testified by the Sheriff; and the truth in these matters being inquired into and discussed in presence of the parties, the said inquisitors shall make Rolls of all debts proved or confessed before them, and the said debts being enrolled, forthwith the tallies of the same shall be broken. Also the Sheriffs shall have in their custody under the seals of the inquisitors transcripts of the said Rolls, and shall surcease making distraint for the debts contained in them, until they shall have otherwise in command therefor. The said inquisitors shall send to the Exchequer under their seals the aforesaid Rolls, that there by scrutiny thereof to be made, examination may be had what debts are paid in part or in the whole and what not, and the aforesaid examination being made, the Sheriffs shall be charged and the debtors acquitted according to what ought to be done by the same.

Also we will and provide that the Chamberlains from henceforth shall Tallies to not make to the Sheriffs or any other bailiffs whomsoever tallies to sheriffs. be divided, unless they first receive from them particulars containing the amounts and occasions of the debts and the names of those paying them, into whatsoever particulars they wish such tallies to be divided, and those being so received under their seals, it shall not be lawful to change them by any means into other particulars.

Moreover, we provide that all debts as to which the Sheriffs make Enquiry as return, that the debtors have nothing in their bailiwicks, nor had at the "not found," time when they were charged with the same debts, or that they be not &c. found, shall be estreated and written in Rolls, and these Rolls delivered to trustworthy and circumspect men who shall make enquiry thereof in the form to be provided by the Treasurer and Barons. And because No suit to be by certain pleas heretofore held in our Exchequer which do not con- prosecuted cern us or our officers of the said Exchequer, our affairs and those of unless it our people before them are unduly postponed and hindered; We will and concern the ordain that no plea be henceforth held in the said Exchequer, unless what king or his specially concerns us or our officers aforesaid, and therefore we command you that you cause the premises to be distinctly and openly read before you, inrolled, and henceforth observed in the said Exchequer. In Witness whereof, these our letters, &c. [Witness the King at

officers there.

Rhuddlan, the 28rd day of March in the twelfth year of our reign.]1

^{&#}x27;This sentence is completely effaced in the Red Book. Cott. MS. Vesp. B. 7. reads "apud Roth:xxiv. die Maii anno x." but the King was not at Rhuddlan at that date. An English Exchequer MS. Lib. Scac. x. reads "apud Roth. xxii. die Mart. anno regni nri xii." The King was at Rhuddlan on that day, and had been there for some time previously, so this would appear to be the correct date. See Sweetman's Cal. Documents relating to Ireland and Cal. Pat. Rot. (P. R. O., series) 1281-92, p. 117.

13 EDWARD I. A.D. 1285. [Close Roll Engl. 13 Edward I. m. 3 d.] D Statutis Liberatis.

MEMO⁴ q⁴ die Vestis in festo Exaltacois Sce Crucis anno vestat pris W. Was ford Epi tūc justic Hibn quedam statuta p regem et consiliū suū edita et pvisa videlt statuta Westm statim post coronatom redita et statuta Glouc et statuta p meatorib; sca ac statuta Westmon in pliamento reg pasch anno sco pvisa et sca in Hibn deserenda et ibidē pelamanda et obsvanda.

[Red Book of the Exchequer in Ireland, Fol. 81-91.]1 YES sunt les establisemenz le Rey Edward le fiz le Rey Henry fez a Weymoster a son pimer parlement general apres son coronnement apres la Cluse Paske lan de son Regne tierz par son conseil e par le assentement des Erceucskes Eucskes Abes Priurs Contes Barons e la Comunaute de la tere ileokes somons Pur ceo ke nostre seygnur le Rey ad graunt volente e desir del estat de son Reaume adrescer en les choses ou mestier est del amendement e ceo pur le comun profit de seint Eglise e del reaume. Et pur ceo q lestat de seint Eglise ad este maumeue e les prelaz o les religious² de la tere greuez en mulz de masses e le poeple autrement trete e la pees meins garde q estre ne deust e les leys mesusees e les meffesaunz meins puniz à estre ne dussent pur quei les genz doterent le meins a meffere; si ad le Rev ordine e establi les choses desuz escrites à il entent à seient profitables e couenables a tut le Reaume. C. Enprimes veut le Rey e comaunde q la pees de seint Eglise e de la tere seit bien garde e meintenue en tuz poinz e q comune droiture seit fet a tuz ausi bien a poures com as riches saunz regard de nuly. C. Purceo à les Abbeyes e les mesons de Religions ont este sorchargez e greue malement par la venue des gaunz genz e autres q bien ne sofiscient a caus meismes receiure par quei les religious² sont

¹ See Writ 18th year (above) commanding observance of this Statute in Ireland. This Statute was re-enacted for Ireland by Statute in a Parliament held in Dublin, 13 Edward II. cap. 2.

*Religions in MS.

13 EDWARD I., A.D. 1285.

As to Statutes Delivered.

E it remembered that on Friday the Feast of the Writ for Exaltation of the Holy Cross [14 September] in the 13th observance in year, &c., at Winchester, were delivered to Roger Bretun, Ireland of clerk of the Venerable Father W.1 (recte Stephen) bishop of Westminster, Waterford then Justiciar of Ireland, certain Statutes by Gloucester, the King and his Council made and provided, namely, the and those of Statutes of Westminster made immediately after the King's Merchants. coronation, and the Statutes of Gloucester and the Statutes made for Merchants, and the Statutes of Westminster in the parliament of the King at Easter in the said year provided and made, to be brought into Ireland and there to be proclaimed and observed.

THE STATUTES OF WESTMINSTER THE FIRST; (ENACTED IN ENGLAND 3 EDWARD I.)

THESE are the Acts of King Edward, son of King Henry, made at Westminster at his first Parliament general after his coronation, on [the morrow] after the Close of Easter in the third year of his reign. by his Council, and by the assent of the archbishops, bishops, abbots. priors, earls barons, and the commonalty of the land thither summoned.

Because that our lord the King has a great wish and desire to redress the state of his realm in things which require amendment, for the common profit of Holy Church, and of the realm: and because the state of Holy Church has been ill kept, and the prelates and religious persons of the land grieved in many ways, and the people treated, and the peace kept, otherwise than they ought to be, and the laws misused, and offenders less punished than they ought to be, by reason whereof people feared the less to offend; the King has ordained and established these things underwritten, which he thinks to be profitable and suitable unto the whole realm.

I. First, the King wills and commands, that the peace of Holy Church Peace of Holy and of the land be well kept and maintained in all points, and that Church. common right be done to all, as well poor as rich, without respect of person. And because that Abbeys and Houses of Religion of the land have been overcharged, and sore grieved, by the resort of great men and others, so that their goods have not been sufficient for themselves, whereby the Religious are so reduced and impoverished, that they cannot

² So in original. Stepher Fulburn was Bishop of Waterford and Justiciar of Ireland at this date.

issi abessez et enpou⁹ez q eles ne poūt sustenir eus meismes ne la charge de la charite à eles solient fere; pur ceo purueu est à nuly vengne manger herbig ne gisir en meson de Religion de autri auceson q de la sone al cust de la meson sil ne seit prie e requis especialment par le gouernr de la meson auaunt qil ivengne e q nul a ses custages demeine vengne gisir desoremes en meson de Religion en contre la volente de la meson. Et par ces estatuz ne entent pas le Rev à grace de especialte¹ seit sostret a bosoingnus e à les auouwez des mesons ne puisent par lur venues sorkarker e destrure. C. Purueu est ensement à nul gant ne petit par colur de parente ou de especialte ou de autre affinite ne par acheson ne courge en autri parks ne pesche en autri viuers ne herberge en autri maner ne en meson de prelat de home de Religion ne de autre encontre la volente e le conge del seygnur ou del baillif al coust le seygnur deleinz ne a son coust demeine. Et si il vengne par le gre ou saunz le gre le seygnur ou le baillif nule serure huys fenestre ne nule manere de fermine ne face ouerir ne depescer par sey ne par autre ne nule manere de vitaille ne de autre chose ne prengne par colur de achat ne autrement. C. E q nul ne face batre ne prendre nule manere de vitaille ne autre biens de nuly prelat home de religion persone ne de autre ne de Clerk ne de lay par colur de achat ne autrement encontre la bone volente ou le conge de celuy a ki la chose sra ou le gardein dedenz vile marchaunde ou dehors. C. Et a nul ne prengne Chiuaus beofs chars charettes niefs ne bateus a fere cariages saunz la bone volente ou le conge de celuy a ki la chose serra e si par la volente de celuy le face, lors meintenaut face son gre solum le couenat fet entre eaus. Et ceaus à vendront encontre les estatuz auauntdiz e de ceo seient ateinz, scient aiugez a la prison le Rey e de ileokes reinz solum la quatite e la manere del trespas solum ceo q le Rey ou sa Court verra q bien seit. Et fet a sauer q si ceaus a ki le trespas ert feit veillent suire les damages q il auerunt eus, lor serra regarde e returne al double e ces q les trespas auerunt fet seient puniz a la manere auauntdite, e si nul ne voudra suire, le Rey eit sa suite com de chose fete encontre son defens e encontre sa pees. Et le Rey fra enquere de an en an si com quidera q bien seit quele gent eient tel trespas fet * ceaus à serrunt enditez en tieles enquestes frunt atachez

^{&#}x27; Five other MSS. read hospitalite.

maintain themselves, nor the charge of the charity which they have been accustomed to extend; therefore it is provided, that none come to Religious eat, lodge, or rest in a House of Religion of any other's foundation Houses from than his own, at the cost of the House, unless he be specially Purveyance. invited and asked by the head of the House before his coming. And that none, at his own costs, henceforth come to rest in any House of Religion against the will of the House. And by this Statute the King intends not that the grace of hospitality should be withdrawn from such as need, nor that the patrons of Houses should overcharge, or burden them by their visits. It is provided also, that none, small or great, by colour of kindred, affinity, or any other alliance or for any cause, course in another's parks, or fish in another's ponds, or lodge in another's manor or in the house of a prelate, or Religious person, or other, against the will and leave of the lord, or of the bailiff, at the cost of the lord there, or at his own cost. And if he come with the good-will, or without the will of the lord or of the bailiff, that he cause no lock, door, window, or any kind of fastening, to be opened or broken, by himself, or any other, nor that he take any manner of victual, or other thing, by colour of purchase, or otherwise. And that none thresh [corn] or take any manner of victual or other goods, of any prelate, Religious person, or any other, clerk or lay-person, by colour of purchase, or otherwise against the good-will or leave of him whose the thing shall be, or of the keeper, be it within a market town, or without. And that none take horses, oxen, carts, waggons, ships, or barges, to make carriage, without the good-will or leave of him whose the thing shall be; and if he do it by the will of the party, then straightway he shall make satisfaction according to the agreement made between them. And that they who shall offend against the aforesaid Statutes, and thereof be attainted, be committed to the King's prison, and there make fine, according to the greatness and manner of the trespass, as the King or his Court think best. And it is to be known, that if they against whom the trespass was committed, will sue, the damages that they shall have sustained shall be awarded to them and restored to the double; and they that shall have committed the trespass, shall be punished in the manner above said : and if they will not sue, the King may have his suit, as for a thing committed against his prohibition, and against his peace. King shall cause enquiry to be made from year to year, if he think well, as to what persons have committed such trespasses; and they that shall be indicted in such Inquests shall be attached and distrained by the

e destreinz par la graunt destresce de venir a un certein Jour ke contenge le espace de vn moys en la Court le Rey la ou li plerra e si ceaus vengnet a tiel Jour, seient destreinz derechief par mesme la destresce de venir a vn êtein Jour à contigne seet1 sesmeines. Et si ceaus adunk ne vengnent seient iugez com ateinz e rendent le double par la suite le Rey a ceaus à le damage aueront e seient greuousement puniz solum la manere del trespas. C. Et le Rey defent e comaund à nul desoremes ne face mal ne damage ne greuaunce a nul home de Religion psone de seient Eglise ne a autre par acheson qil eyent vye le hostel ou le mang a nuly ou par acheson de ceo q aukū se pleient en la Court de ceo qil sen sent greue de aukunes choses auauntdites e si nul le face e de ceo seit ateint, seit encoru en la peyne auauntdite. C. Et est porueu q les poinz auauntdiz lient ausi bien nos Conseillers Justices de fforest e nos autres Justice come autre gent. C. Et à les poinz auauntdiz seient meuz tenuz e gardees si defed le Rey sor sa greue forfeture à nul prelat Abbe home de Religion ou baillif de aukun de eaus ne receiue nul home encontre la forme auguntdite. C. Et à nul ne enuoye a meson ne a maner de Religion ne de autre home genz Chiuaus ne Chiens a soiorner ne nul ne les receiue. Et qi le fra, por ceo q ceo est encontre le defens e le comaundement le Rey il serra puni greuement. C. Unkore est porueu q viscontes ne herberget en nul liu oud plus q oud cink ou sis Chiuaus ne q il ne greuent la gent de Religion ne autres par lour souent venir ou gisir a lour mesons ou a lour maners. C. Porueu est ensement à kaūt Clerk est pris por ret de felonie e il seit demaunde p le Ordinaire il lui seit liuere solum le priuilege de seient Eglise en tiel peril com il i apent solū les custumes auaunt ces oures vsees e le Rey amoneste les plaz e lour enioynt en la fei qil li deuient e por le comun profit e la pees de

great distress, to come at a certain day, within the space of a month, into the King's Court, where it shall please him; and if they come [not] at that day, that they be distrained anew by the same distress, to come at a certain day, within seven weeks. And if they come not then, that they be judged as attainted, and render double, by the suit of the King, to those who shall suffer the damage, and be heavily punished according to the manner of the trespass.

And the King forbids and commands, that no one from henceforth No suit for do hurt, damage, or injury to any Religious person, parson of Holy lodging, Church, or any other, because they have refused lodging or food unto any, or because that any one complains in Court that he feels himself aggrieved in any of the things above mentioned; and if any do this and thereof be attainted, that he incur the penalty aforesaid.

And it is provided, that the points aforesaid bind as well our Councillors, Justices of the Forest, and other our Justices, as other persons.

And that the aforesaid points may be the better maintained and observed, the King forbids upon heavy forfeiture, that any Prelate. Abbot, Religious person, or the bailiff of any of them, receive any man contrary to the form aforesaid.

And that any send to a house or manor of Religion or that of any other person, men, horses, or dogs, to sojourn, nor that any receive them; and he who shall do this (seeing that it is contrary to the King's prohibition and command) shall be heavily punished.

It is further provided, that from henceforth Sheriffs lodge not in Sheriffs any place with more than five or six horses; and that they do not retinue. burden Religious persons, or others, by their often coming or lodging at their houses or their manors.

II. It is provided also, that when a clerk is taken on a charge of Delivery of felony, and he be demanded by the Ordinary, he be delivered to him clerks indicted according to the privilege of Holy Church, on such peril as thereto attaches. Ordinary. according to the customs heretofore used. And the King admonishes the prelates, and enjoins them upon the fealty that they owe to him, and for the common profit and peace of the land, that they in no manner

la tere à ceaus à sunt enditez de tiel ret par solempne enqueste des prodes homes fete en la Court le Rey en nule manere ne les deliurent saunz duwe purgacion issi q le Rey neit mester de mettre i autre remedie. C. Purueu est ensement à nule rien ne seit desoremes demaunde ne pris ne leue pr eschap de larun ou de felon ieske ataunt q le eschap seit aiuge par Justices erraunz e ky autrement le fra, si rendra a celuy ou a ceaus qi laueront paez qant q il auera receu e au Rey ensement ataunt. C. De wrek de mer est acorde à la ou home chien ou chat eschape vif hors de la Nief ou le batel ou nule rien û leinz seit, ne seit iuge a Wrek mes seient les choses sauuees e gardees par veue del visconte e del Coruner e des bailliz le Rey en la main de ceaus de la vyle ou les choses sont trouez issi à si nul siwe ceus biens e puisse prouer qil seient soens ou a son seygnur ou en sa garde periz dedens lan e le jour saunz delay li seient renduz. si noun, remaignet au Rey e seient prisez par le visconte e le Coruner a la vilee a respoundre deuaût Justices del Wrek û apent au Rey. Et la ou Wrek apent a autre q al Rey si lait p meime la manere. Et qi autrement le fra, e de ceo seit ateint, seit a garde a la prison e reint a la volente le Rey e rendra les damages ensement. Et si la baillif le face e seit desauowe del seygn^r e lo seygn^r ne ne otrie a luy, respoingne le haillif si il ad de quei. Et sil nad de quei, rende le seygn' le cors del baillif al Rey. C. Pur ceo q elections devient estre fraunches, le Rey defent sur sa greue forfeture à nul haut home ne autre par poer de armes ne par malice¹ ne desturbe de fere frauche election. C. Et q en nule Cite Burg ou Vile ne nul home seit amercie saunz renable acheson e solum la qantite del trespas ceo est a sauer fraunk home sauue son contenemet marchaund sauue sa marchaundise vilayn sauue son gaignage e ceo par lour piers. C. Des prises des Conestables ou Chasteleyns fetes de autres q de la gent de la vile ou les Chasteaus sunt assis, purueu est q nul Conestable

¹ Another MS. reads manasce.

deliver, without due purgation, those who are indicted on such accusation by solemn Inquest of lawful men made in the King's Court, so that the King need not to provide any other remedy in that case.

III. It is provided also, that nothing from henceforth be demanded or No fines for taken or levied, for the escape of a thief or a felon, until the escape be judgment. adjudged by the Justices in eyre. And that he that shall do otherwise, shall restore to him or them that shall have paid it, as much as he shall have received, and as much also unto the King.

IV. Concerning wreck of the sea, it is agreed, that where a man, a Wreck of the dog, or a cat escape alive out of a ship, [that the ship] or barge, or any thing within it, be not adjudged wreck; but that the goods be Custody of saved and kept by view of the Sheriff, Coroner, and the King's bailiffs, in the hand of those of the vill where the goods were found; so that if any sue for those goods, and can prove that they be his, or his lord's, or were lost in their keeping, within a year and a day, they be restored to him without delay. And if not, that they remain to the King, and be taken by the Sheriff and the Coroner to the vill, to answer before the Justices of the wreck that belongs to the King. And where wreck belongs to another than the King, that he have it in like manner. And he that shall do otherwise, and thereof be attainted, shall be committed to prison, and make fine at the King's will, and also yield damages. And if the bailiff do it, and be disavowed by the lord, and the lord will not pretend any title, that the bailiff answer, if he have whereof; and if he have not whereof, that the lord deliver the bailiff's body to the King.

V. Because elections ought to be free, the King forbids, upon Freedom of heavy forfeiture, that any great man or other, by force of arms, or by malice, disturb any from making free election.

VI. And that in no city, burgh, or town, any be amerced, with- Amercements out reasonable cause, and according to the greatness of the trespass; able. that is to say, every free-man saving his contenement, a merchant saving his merchandise, a villein saving his wannage, and that by their peers.

VII. Of prises taken by constables, or castellans, of others than of Prises. the people of the vill where the castles are situate; it is provided,

ne Chasteleyn desoremes nule manere de prise ne face dautre houme à de autre home à de la vile ou son Chastel est assis, e ceo seit paie ou gre fet dedenz quarante Jours si ceo ne seit aunciene prise due au Rey ou al Chastel ou al seygnur del C. Et q nule rien seit pris pr beaupleyder si com autre fiez fu defendu en le tens le Rey Henry piere le Rey q ore est. C. Et pur ceo à la pees de la tere ad este feblement garde auaunt ces oures par defaute de bone suite fete sur les felons solum doue manere e nomeement par acheson des frauchises ou les felons sunt recettez, purueu est q tuz comunaumet seient prez e aparaillez al maundemet e a la somonse des viscontes ou autri' del pays de suire e de arester le' felos qent mester serra ausi bien dedenz fraunchises cum Et ces q ceo ne frut, e de ceo seient ateinz, le Rey prendra a eus greuement. Et si la defaute seit troue sor le seygn^r de la fraunchise le Rey se prendra a meime la fraunchise, e si la defaute seit al baillif eit la prison de vn an e puis seit greuement reint e si il nad de quei, eit la prison de deus aunz. C. Et si visconte ou autre baillif dedenz fraunchises ou dehors pur louer ou par priere ou par nule manere de affinite concelent ou consentent ou procurent de conceler les felonies fetes en lour baillies ou ke il se feignent de arestier ou de atacher les mesfesaunz par la ou il purront ou autrement se feingnet de fere lur office e nule manere de fauor des meffesaunz e de ceo seient ateinz q il eient la prison de vn an, e puis seient gouemet reinz, e si il ne vnt de quei, eiet la pison de quatre aunz. C. Pur ceo q petite gent e meins sages sunt esluz ia de nouel comunaumet al office de Coruner e mestier serreit à prodes homes leaus & sages se intremeisent de cel office, purueu est q par tuz les contiez sient esluz suffisaunz Coruners des pl' leals e plus sages Chiualers à meus sachent veillent e puissent a cel office entedre e û loisument attachent e repsentent les appeaus de la Corune e les viscotes eient contreroules oue les Coruners ausi bien

¹ So in MS, for au cri. ² Other MSS, read iij.

that no constable, or castellan, from henceforth exact any prise, of any other man than of the vill where his castle is situate; and that it be paid, or else satisfaction be made within forty days, if it be not an ancient prise due to the King, or to the castle, or to the lord of the castle.

VIII. And that nothing be taken for Fair-pleading, as has been pro- Beau-pleader. hibited heretofore in the time of King Henry, father of the King that now is.

IX. And forasmuch as the peace of the land has been badly kept Pursuit of heretofore for lack of making effectual pursuit after felons in due manner, and especially because of franchises, where felons are received; it is provided, That all generally be ready and prepared, at the command and summons of the sheriffs, or at the cry of the country, to pursue and arrest the felons, when any need shall be, as well within franchises as without; and that they that will not so do, and thereof be attainted, the King shall take heavy fine from them. And if the default be found in the lord of the franchise, that the King shall take the same franchise to himself; and if the default be in the bailiff, that he have one year's imprisonment, and after that be heavily fined; and if he have not whereof, that he go to prison for two years.

And if the Sheriff, or other bailiff within franchises, or without, Punishment for reward, or by reason of entreaty, or for any manner of cofficers for corruption. affinity, conceal, or consent, or procure concealment of the felonies committed in their liberties, or that they forbear to arrest or attach the evil doers, when they might do so, or otherwise forbear to execute their office, for any manner of favour towards such evil doers, and be thereof attainted, that they have one year's imprisonment, and after be heavily punished; and if they have not whereof, that they suffer imprisonment for four years.

X. Forasmuch as mean and unwise persons now of late are commonly Who shall be chosen to the office of Coroner, and it is requisite that persons of Coroners. good standing, lawful, and wise, should occupy such office; it is provided, that through all the counties, sufficiently-qualified men be chosen to be Coroners, of the most lawful and discreet knights, who best understand, are willing and able to attend on this office, and who will lawfully attach, and present the appeals of the Crown; and that the sheriffs have

des appeaus com des enquestes attachemenz « autres choses à a cel office appendent. Et à nul Coroner rien ne demaunde ne prenge de nuli por fere son office sur peine de la greue forfeture le Rey. C. Et pur ceo à plusurs rettez de mort de home e à sunt copables de mesme la mort se sont par fauorables enquestes prises par viscontes e par bref le Rey kest appele odio e atia repleuiz ieskes al ayre des Justices erraunz; purueu est q teles enquestes seient des Coruners prises par prodes homes esluz par sermēt dount les deus seient Chiualers al meins q par nul affinite ne atouchent les pisos ne autrement ne seient sustenuz. C. Purueu est ensement à les felons escriez e à sont aptement de male fame e ne se voillent mettre en enquestes des felonies q vm les met sure deuaunt Justices a la suite le Rey q il seient remis en la prison forte e dure come ceaus à refusent la comune ley de la tere, mes ceo nest mie a entendre por pisons q sunt pris pur legiere suspeciun. C. Et le Rey defent à nul ne rauie ne prengne a force damoysele dedenz eage ne autre femme maugre seon e si nul le fet, a la suite celi à suiwera dedenz les qarante iours le Rey en fra comune dreyture. Et si nul ne² comence sa suite de denz quarante iours, le Rey ensiwera e ces qil entrouera copables, si aueront la pison de deus aunz e puis serrut reinz a la Et sil ne vnt dount estre reinz, a la volente le Rey. volente le Rey si seyent puny par plus longe pison solum ceo q le trespas le demaunde. C. Pur ceo q vm lad vse de vtlaer en aukun pays la gent appellee del comaundemēt force aide e recettement dedenz mesme le ?me q vm deit vtlaer celui qest appele del fet, purueu est e gante par le Rey q nul ne seit vtlae pur appel del comaundemet force aide ou recettemet iesqes ataunt q li appele del fet seit ateint issi q vne mesme ley seit de ceo par tote la tere, mes celi q apele ne lesse pas pur ceo de attacher son appel al

¹ Recte suspetenus.

counter-rolls with the Coroners, as well of appeals, as of inquests, attachments, and other things which to that office belong: and that no Coroner demand or take any thing of any man for executing his office, upon pain of heavy forfeiture to the King.

XI. And forasmuch as many indicted of homicide, and who are Inquests of guilty of the same, by favourable inquests taken by the Sheriffs, and by the King's writ called Odio et Atia, are repleyed until the eyre of the Justices in eyre; it is provided, that such inquests of Coroners be taken by discreet men chosen by oath (of whom two at the least to be knights), who are not connected with the prisoners by any affinity, nor are otherwise to be suspected.

XII. It is provided also, that proclaimed felons, and those who are Punishment of openly of ill fame, and will not put themselves in inquests of felonies felons refusing that men put them on before the Justices at the King's suit, be sent to law. prison strong and hard, as those that refuse the Common Law of the land. But this is not to be understood in the case of prisoners who are taken on slight suspicion.

XIII. And the King prohibits that any do ravish, or take by force, Rape. any maiden under age [either with her own consent, or without, or any wife or maiden of full age], 1 or any other woman against her will; and if any do this, the King shall do common right at the suit of him that will sue within forty days. And if none commence his suit within forty days, the King shall sue, and those who shall be found guilty, shall have two years' imprisonment, and after be fined at the King's pleasure; and if they have not whereof to be fined at the King's pleasure, they shall be punished by longer imprisonment, according as the trespass requires.

XIV. Forasmuch as it has been used in some districts to outlaw Proceedings in the person appealed of commandment, force, aid, and receipt within the appeal. same term that he who is appealed of the deed should be outlawed; it is provided and granted by the King, that none be outlawed upon appeal of commandment, force, aid, or receipt, until he that is appealed of the deed be attainted, so that one and the same law be used therein through the whole land; nevertheless he that appeals, by reason

¹ This addition appears in other MSS.

pchein Conte vers ceaus ausi bien com vers les appelez del fet, mes le exigende de eaus demeorge iesque ataunt q les appelez del fet seient ateinz par vtlagherie ou autrement. C. Pur ceo q les viscontes & autres qi vnt pris e detenue en pison genz rettez de felonies e meinte foiz ont lesse la gent q ne sunt mie repleuisables e ont detenuz en prison ceaus q estoient repleuisables par acheson de gaigner des vns « de greuer les autres, Et pr ceo à auaunt ces vres ne fu mie Pmine Steinemet queus furent repleuisables * queus noun, hors pris ceaus à estoient pris por mort de home ou par comaundement le Rey ou de ses Justices ou por la foreste; purueu est & comaunde par le Rey à les prisons q sunt auaunt vtlagez & ceus q eient foriure la tere Prouurs tozl q sont pris ou meinoure ceaus q vnt depesce la pison le Rey larons apertement escriez « notoyres « ceaus q sont appellez de prouurs taunt come le puur vist sil ne seient de bone fame e ces q sont pris pur arson felonessement fete ou pr fause moneye ou fauseours del seel le Rey ou escomenge pris par priere le Eueske ou pur aperte mauueiste ou treson q touche le Rey mesme ne seient en nule masse repleuisables par le Comun bref ne saunz brief, mais ceaus q soient enditez de larcin par enqueste des viscontes ou des bailliz prises de lur office ou pur legiere suspecion ou pur petit larcin q ne amonte a la value de duze deners sil ne seit rette de larcin auaunt cel houre ou rette de recettement des felons ou del comaundement ou de la force ou del aide fete ou des autres des trespas pur le quel om ne deit pdre vie ne membre, Et home appelle de prouur puis la mort le prouur sil ne seit apert laron escrie seit desoremes lesse par suffisaunte pleuine dont le visconte veille respondre * ceo saunz rien doner de lour. Et si viscontes ou autres lessent par pleuine nul q ne seit repleuisables si ceo seit visconte Conestable ou autre baillif de feo q eit garde des

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of this, shall not intermit the prosecution of his appeal at the next County Court against them, as well as against those appealed of the deed; but that their exigent remain, until those who are appealed of the deed be attainted by outlawry or otherwise.

XV. Forasmuch as sheriffs, and others, who have taken and kept Bailment of in prison persons accused of felonies, and frequently have let out such as were not repleviable, and have kept in prison such as were repleviable, because they would gain of the one and injure the other; and forasmuch as before this time it was not certainly determined who were repleviable, and who not, but only those that were taken for homicide, or by command of the King, or of his justices, or for the forest; it is provided, and by the King commanded, that Offenders not the prisoners who before were outlawed, and those who have abjured ballable. the realm, approvers, all who are taken with the mainour, those who have broken the King's prison, thieves openly proclaimed and notorious, and those who are appealed of approvers, so long as the approver lives (if they be not of good fame), and such as are taken for arson feloniously done, or for false money, or for counterfeiting the King's seal, or persons excommunicate, taken at the request of the Bishop, or for manifest evil-doing, or treason touching the King himself, be in no wise repleviable by common writ, or without writ. But that those that Offenders are indicted of larceny, by inquests taken before sheriffs or bailiffs by reason of their office, or on slight suspicion, or for petty larceny that does not amount above the value of twelve pence, if they were not indicted of larceny aforetime, or indicted of receiving of felons, or of commandment, or force, or of aid given, or of other of the trespasses for which one ought not to lose life or limb, and a man appealed of an approver after the death of the approver (if he be not openly a proclaimed thief), from henceforth be let out by sufficient surety, whereof the sheriff will be answerable, and that without giving ought of their goods. And if the sheriffs, or others, let any go at large by surety, who are not repleviable, if he be sheriff, constable, or other bailiff of fee, that has keeping of prisoners, and thereof be attained, he shall

pisons e de ceo seit ateint, perde le feo « la baillie a toz iours. Et si visconte Conestable on baillif ou celi qad cel feo pur garder les pisons eit ceo fet saunz la volente son seygn^r ou autre baillif q ne seit de feo, eit la pⁱson de treis aunz e seit reint a la volente le Rey. Et si nul detient les prisons repleuisables puis q le prison eit offert soffisaunte seurte il serra en la greue fici le Rey. Et si il prent louer por le deliuerer, il rendra le double al prison e ensement serra en la geue merci le Rey. C. Endreit de ceo q aukunes gens pnent e prendre font les auers de autri e les enchacent hors del Conte ou les auers serront pris; purueu est q nul ne le face e si nul le fet, seit greuement reint solum q il est contenu en les estatuz de marleberge fez en tens le Rey Henri piere le Rey q ore est. Et par mesme la manere seit fet de ceaus q pernent les auers e q font destresce en autri feo plus greuement seient puniz si la manere del C. Purueu est ensemēt q si nul trespas le demaunde. desoremes prengne les auers de autri e les face chacier a Chastel ou a forcelet e ileokes dedenz le Clos del Chastel ou del forcelet les deteingne encontre gage e plegge puis à les auers sont solempnement demaunde par le visconte ou par autre baillif le Rey a la suite del pleintif à le visconte ou le baillif pris oue lui poer de son Conte ou de sa baillie voyst asayer de fere la pleuine des auers a celui q pris les auera ou a son seygn' ou as autres des homes son seygn' qi onqes seit troue ou les auers serrunt chacez e si lem deforce, adonkes la deliuerance des auers ou kil ne troesse home pur le seygnur ou pur celuy q les auera pris qi enrespoingne e face la deliuerance apres ceo q seygn^r al¹ pnur par visconte ou par baillif en serra amoneste sil est en pais ou pres ou kil porra par le pernur on par autre des seons couenablement estre garniz de fere la deliuerance sil fust hors de cel pais qent la prise fu fete e en face adonkes

¹ Ou in other M88.

lose the fee and the bailiwick for ever. And if the sheriff, constable, or bailiff, or he who has such fee for keeping of prisoners, have done this without the will of his lord, or other bailiff that is not of fee, he shall have three years' imprisonment, and be fined at the King's pleasure. if any detain repleviable prisoners after that the prisoner have offered sufficient surety, he shall be in the grievous mercy of the King. And if he take reward for the deliverance, he shall pay double to the prisoner, and also shall be in the grievous mercy of the King.

XVI. Because that some persons take, and cause to be taken, the Distress out beasts of another, and drive them out of the county where the beasts shall be taken, it is provided that none do so; and if any do it, that he be heavily fined, according to what is contained in the Statutes of Marlborough, made in the time of King Henry, father to the King that now is. And in the same manner that it be done to them who take beasts, and distrain in the fee of another, that they be more heavily punished, if the manner of the trespass do so require.

XVII. It is provided also, that if any from henceforth take the beasts Remedy if of another, and cause them to be driven into a castle or fortalice, and impounded in there within the close of the castle or fortalice detain them against a castle. gage and pledge, after that the beasts are solemnly demanded by the sheriff, or by some other bailiff of the King, at the suit of the plaintiff, the sheriff or bailiff, taking with him the posse of his county or of his bailiwick, attempt to make replevin of the beasts from him that shall have taken them, or from his lord, or from others, being men of his lord, whoever he be, found where the beasts shall be driven. And if any deforce him then of the deliverance of the beasts, or that no man be found for the lord, or for him who shall have taken them, who would answer and make the deliverance, after such time as the lord [or] taker shall be thereto warned by the sheriff or bailiff, if he be in the country, or near, or that he can be conveniently warned by the taker, or by any other of his own people to make deliverance, if he were out of that country when the taking took place, and did not then cause the

meintenaunt les auers deliuerer q le Rey por le despit e por le trespas face a batre le Chastiel ou le forcelet saunz releuer e tut le damage q le pleintif auera receu de ses aûs ou de son gaingnage desturbe ou en autre manere puis la pimere demaunde des aus fete par le visconte ou par le baillif li seient restorrez al double de celui qi les auera pris sil ad de quei. Et si nad de quei, del sevgnur quel oure ou en quele mafie la deliueraunce seit feite apres ceo q le visconte ou le baillif serra venu pur la deliueraunce fere. fet a sauer à la ou le visconte deuera fere return del brief le Rey al baillif le seygn^r del Chastel ou del forcelet ou a autre a qi le return del brief le Rey a ceo apent, Si le baillif de cele fraunchise ne face la deliuerance pui, qil leuera receu, eit le visconte cel office saunz delai si com il est auauntdit e sur lauaundite peine. Et par mesme la manere seit fet la deliuerance par attachemenz de pleinte fete saunz brief e sur mesme la peine, e ceo fet a entendre par tut la ou le brief le Rey Curt. Et si ceo est en la marche de Gales ou aillurs la ou le brieff le Rey ne curt mie, le Rey qi en est souerein seygn' en fra dreit a ceaus q pleinde se voudront. C. Pur ceo à la comune fin e le amerciement de tut le Conte en eyre de Justices pur faus iugement ou por autre trespas est assis par viscontes barators des Contez malement ensint à la somunse est meinte foiz encrue e les parceles autremet assises à estre ne deusent al damage del people e plusors foiz paie as viscontes barettors à point nel les aquitent; purueu est e voet li Reys q desoremes en eyre de Justices deuaunt eaus auaunt lor departir seit cele somonse assise par serement des Chiualers e des prodes homes sor tuz ceaus â eskoter ideueront e Justices f[acent] mettre les parceles en lur estretes qil liueront al Escheker non pas la somose totale. C. Endreit des viscontes e autres q respoingnut par lour mayns al Escheker e qi vnt receu de les dettes le Rey henri piere le Rey

Interlined.
Obliterated.

beasts to be straightway delivered, that the King, for the despite and the trespass, cause the castle or fortalice to be battered down beyond recovery; and all the damage that the plaintiff shall have sustained in his beasts, or in the disturbance of his wannage, or in any other manner, after the first demand for the beasts made by the sheriff or bailiff, be restored to him double by him who shall have taken them, if he have whereof. And if he have not whereof, that he have it of the lord, at what time, or in what manner the deliverance be made, after that the sheriff or bailiff shall come to make deliverance. And it is to be understood, that whereas the sheriff ought to return the King's writ to the bailiff, the lord of the castle, or fortalice, or to any other, to whom the return of the King's writ in this behalf belongs, if the bailiff of that franchise make not deliverance after that he shall have received it, then that the sheriff have that office without delay, as is aforesaid, and upon the aforesaid penalty. And in like manner that deliverance be made by attachments of plaint made without writ, and upon the same penalty; and this is to be attended to in all places where the King's writ runs. And if this be done in the march of Wales, or in any other place, where the King's writ runs not, the King, who is Sovereign Lord, shall do right therein unto those who will make complaint.

XVIII. Forasmuch as the common fine and amercement of the whole Assessing of county, in the eyre of the justices, for false judgment, or for other tres- on the county. pass, are unjustly assessed by sheriffs barrators in the counties, so that the summons is many times increased, and the parcels otherwise assessed than they ought to be, to the damage of the people, and many times payment is made to the sheriffs barrators, who do not acquit them; it is provided, and the King wills, that from henceforth in the eyre of the justices, before them, prior to their departure, such summons be assessed by the oath of knights and good men, upon all those who ought to pay; and that the justices cause the parcels to be put into their estreats, which they shall deliver to the Exchequer, and not the total summons.

XIX. With respect to the Sheriffs, or others, who answer by their Acquittance of own hands to the Exchequer, and who have received the debts of King debtor on payment to Henry, father of the present King, [or the King's own debts before this Sherin.

q ore est e q ne ont mie les detturs aquite al Escheker; purueu est q le Rey enueyra bone genz par tuz les Contez a oyr tuz iceaus à de ceo pleindre se vodront e a l'miner ensint la bosoygne à ceaus à purrut mostrer qil eyent ensint paiez, a tuz iourz en seront quites le ql q les viscontes ou autres serront morz ou vifs en coteine fourme q lur serra baille. Et ceaus q issint lauerunt fet sil seient en vye, serront puniz greuement e si il seient morz, lour heyres respoingnet e seient chargez de la dette. Et comaund le Rey q les viscontes e les autres auaundiz desoremes loiaument aquitet les detturs al prochein acounte puis q il auera la dette receu e adonkes seit la dette aloue al Escheker issi q mes ivengne en somonse. Et si visconte autrement le face e de ceo seit ateint, si rendra al pleintif le trebble de ceo gil aue[ra d]le lui receu e seit reint a la volente le Et bien se garde chekun qil eit tiel receuour por qi il voudra respondre kar le Rey se predra del tut as viscontes e a lur heyrs. Et si autre q respoingne par sa mayn al Escheker la face, si rende le treble al pleintif e seit reint en mesme la manere. Et q les viscontes facent tailles a tuz ceaus q li paeront la dette le Rey e q la somonse del Escheker a tuz les detturs à demaunder voudront la veue lor face mostrer sauz vier le anuli; e ceo saunz rien doner e ki nel fra, le Rey se prendra a li greuousement. C. Purueu est de meffesors de parks e de viuers q si nul seit de ceo ateint par la suite le pleintif seient esgarde bones e hautes amendes solum la manere del trespas e la pison de treys aunz, e de illoekes seit reint a la volente le Rey sil ad dont estre issint reint e lors truisse bone seurte q mes ne mefface et sil nad dont estre reint apres la pison de treis aunz, troue mesme la seurte. sil ne puisse trouer la seurte, foriurge le reaume. de ceo seit rette seit futif e ne eit tere ne tenement par quei il puise estre Justize; si tost come le Rey auera ceo troue par enqueste bone seit demaunde de Counte en Counte.

¹ Obliterated.

time], and have not acquitted the debtors in the Exchequer; it is provided, that the King shall send good men through all the counties, to hear all those who wish to complain thereof, and to determine the business in such a manner that those who can prove that they have so paid, be thereof acquitted for ever (whether the Sheriffs or others be dead or living), in a certain form that shall be delivered them. And that those who have [not] so done (if they be living) shall be heavily punished; and if they be dead, that their heirs answer, and be charged with the debt. And the King commands, that Sheriffs and others aforesaid, from henceforth lawfully acquit the debtors on the next account after they shall have received the debt; and then the debt be allowed in the Exchequer, so that it come no more into the summons. And if the Sheriff do otherwise, and thereof be attainted, he shall pay to the plaintiff thrice as much as he shall have received of him, and be fined at the King's pleasure. And let each take heed, that he have such a receiver as he will answer for; because the King will take account of everything from the Sheriffs and their heirs. And if any other, that is answerable to the Exchequer by his own hand so do, he shall render treble to the plaintiff, and be fined in like manner. And that the Sheriffs make tallies to all those who shall Tallies of pay their debt to the King; and that the summons of the Exchequer payment. be shewed to all debtors that will demand a sight thereof, without Shewing of denying any, and that without giving anything; and from him that will not do so, the King shall take heavily.

XX. It is provided in the case of trespassers in parks and vivaries, Tresp that if any be thereof attainted at the suit of the plaintiff, good and sub- vivaries. stantial damages be awarded according to the manner of the trespass, and that they have three years' imprisonment, and after be fined at the King's pleasure, if he have whereof to be so fined, and then find good surety, that he will not trespass again; and if he have not whereof to pay the fine, after three years' imprisonment, that he find like surety: and if he cannot find the surety, that he abjure the realm. And if any accused thereof be fugitive, and have no land or tenement whereby he may be made amenable to justice, so soon as the King shall find it by good inquest, that proclamation be made from county [court] to

¹ This addition occurs in an English Exchequer MS.

Et si nul ne veut venir seit vtlae. Et purueu est à si nul ne suit dedenz lan e le iour puis le trespas fet, le Rey auera la suite. Et ceaus q il entrouera rettez de ceo par bone enqueste, serront puniz par mesme la manere en tuz poinz si com desus est dit. Et si nul tiel meffesor seit ateint qil eit pris en parks bestes damasches ou autre chose en manere de Roberie en venaunt ou en demoraunt ou en retournant seit fet de lui comune lei com apiert a celui à est ateint de aperte roberie e larcin ausi bien a la suite le Rey come de autre. C. Endreit des teres des heyrs de denz age q sont en la garde lur seygnur; purueu est q les gardeins les gardent * sustengnent saunz destruction fere en tote ries. Et à tels maneres de gardes seit fet en tuz poinz solum ceo q il est contenu en la graunt chartre des fraunchises le Rey henri piere le Rey q ore est, e issi seit usee desoremes e par mesme la manere seient gardez les Erceueschees Eueschees Abbeyes Eglises & dignetiez en tens de vacacions. C. Des heyrs dedenz age saunz le Gre de lur gardeins auaunt le age de qatorze aunz seit fet solum ceo gil est cotenu en la porueaunce de Merton. Et de ceo à front mariez saunz le gre de lur gardeins puis qil aueront passe qatorze aunz, le gardein eit la double value de son mariage solum la tenur de mesme la porueaunce. Estre ceo à ceaus qi aueront sostret le mariage rendent la dreite value del mariage al gardein por le trespas, Et ia le meins le Rev evt les amendes solum mesme cele porueaunce de celi q lauera issi sustret. C. Des heyrs femeles puis q eles aueront acumpliz le age de xiiij aunz, Et le seygn' a ki le mariage apent ne le voudra marier mes pur coueitise de la tere la vodra tenir desmarie; purueu est q̂ le seygn' ne puise auer ne tenir par acheson del mariage la tere a cels heyrs femeles outre deus aunz apres le ême des auauntdiz quatorze aunz. Et si le seygn' dedenz cels deus aunz ne les marie donkes eyent eles action de recouerir lor heritage quitement saunz ren doner por la garde e por le mariage. Et si eles par malice ou par mauueys conseil ne se veillent par lor chief county [court]; and if he will not come, that he be outlawed. It is provided that if any sue not within the year and day after the trespass committed, the King shall have the suit; and those whom he shall find guilty thereof by lawful inquest, shall be punished in like manner in all points as above-said. And if any such trespasser be attainted, that he has taken tame beasts, or any other thing, in parks, by way of robbery, Robberies in coming, tarrying, or returning, that the Common Law be executed upon him, as upon him that is attainted of open robbery and theft, as well at the suit of the King, as of another.

XXI. With respect to lands of heirs under age, who are in wardship Lands in ward of their lord; it is provided that the guardians keep and maintain to be duly kept. them (the lands) without making destruction of any thing; and that in the case of such manner of wards it be done in all points, as is contained in the great Charter of Liberties of King Henry, father to the King that now is, and that it be so used from henceforth. And in the same manner that Archbishoprics, Bishoprics, Abbacies, Churches, and Dignities be kept in time of vacancy.

XXII. In the case of heirs [married] under age, without the consent Marriage of of their guardians, before the age of fourteen years, that it be done Wards. according as is contained in the Provision of Merton. And of those that shall be married without the consent of their guardians, after they shall have passed fourteen years, that the guardian have double the value of their marriage, according to the tenor of the said Provision. Moreover, that those who shall have withdrawn their marriage, pay the right value of the marriage unto their guardian for the trespass; and nevertheless that the King have the amends, according to the same Provision, of him who shall have so withdrawn.

In the case of heirs female, after they shall have attained the age of Marriage of fourteen years, and the lord, to whom the marriage belongs, will not female wards. marry them, but for greed of the land will keep them unmarried; it is provided, that the lord cannot, by reason of marriage, have or keep the land of such heirs female more than two years after the term of the said fourteen years. And if the lord within the said two years do not marry them, then that they have an action to recover their inheritance quit, without giving any thing for their wardship, and marriage. And if they of malice, or by evil counsel, will not be married by their

seygn' marier ou eles ne seient desparagez, q le seygn' tiengne la tere e le heritage iesques al age del madle cest a sauer de vint vn an e oute taunt qil eit pris la value del mariage. C. Purueu est ensement à en cite Burg vile feire marche ne seit nul home forein à seit de cest reaume destreint [pr dette]1 dont il ne seit dettur ou plegge, e qi le fra, il serra greuement puni e saunz delai de la destresce deliuere par les par les² Baillifs del lui ou par autres baillifs le Rey. C. Purueu est ensement q nul eschetur visconte ne autre baillif le Rey par colur de son office saunz especial garaunt ou comaundement ou êtein auctorite q apent a son office ne deseisse nul houme de son fraunk tenement ne de chose â touche fraunk tenement. Et si nul le fet, seit a la volente le desaisi q le Rey de son office le face amender a sa pleinte ou qil eyt comune lei par brief de nouele deseisine. celui q serra de ceo ateint il rendra les damages³ a mesme le pleintif e serra en la greue mci le Rey. C. Nul ministre le Rey ne mainteingne par li ne par autre les plez poles ou bosoingnes à sont en la Court le Rey de teres tenemenz ou de autre chose por auer part de ceo ou autre pfit par couenaunt fet entre eaus, e qi le fra seit puni a la volente le Rey. C. Et à nul visconte ne autre ministre le Rey ne prenge louer por fere son office mes seient paiez de ceo gil prengent del Rey, e qi le fra, rendra le double e serra puni a la volēte le Rey. C. Et q nul Clerk de Justice de Eschetour ou de enquerour nule ries ne prengne por liuerer Chapitres hors pris solement Clers des Justices en lour eyre e ceo deus souz de cheskun Wapentacke Hundred ou vile à respount par duze ou par sis solum ceo à auncienemet fut vsee. Et qi autrement le fra, rendra le treble de ceo qil auera pris e pdra la suice son seygn^r par vn an. à nul Clerk de Rey ne de ses Justices ne receiue desoremes presentement de Eglise dont plai ou contek seit en la Court

¹ In another MS.

* Words repeated in MS.

* Three other MSS, read double here.

chief lord where they be not disparaged, then the lord may hold the land and inheritance until they have attained the age of an heir male, that is to say, of one and twenty years, and further until they have taken the value of the marriage.

XXIII. It is provided also, that in city, burgh, town, fair, or Distress for market, no man, who may be foreign of this realm, be distrained aliens. [for any debt] for which he is not debtor or pledge; and whoseever shall do it, that he be heavily punished, and without delay the distress be delivered by the bailiffs of the place, or by other the King's bailiffs.

XXIV. It is provided also, that no Escheator, Sheriff, or other Bailiff Unlawful of the King, by colour of his office, without special warrant or command, King's officers. or authority certain pertaining to his office, disseise any man of his freehold, or of any thing belonging to his freehold. And if any do this, that it be at the will of the disseisee, whether the King by his office cause it to be amended at his complaint, or that he sue at Common Law by a writ of Novel Disseisin. And that he who shall be attainted thereof pay [double] the damages to the plaintiff, and be in the grievous mercy of the King.

XXV. That no officer of the King by himself or by another maintain Champerty by pleas, suits, or matters which are in the King's Courts, for lands, tenements, or other things, so as to have part thereof or other profit by covenant made between them; and he that does this, shall be punished at the King's pleasure.

XXVI. And that no Sheriff, or other the King's officer, take any Extortion by reward for executing his office, but that they be paid of that which they King's office take of the King; and he that shall so do, shall yield twice as much, and be punished at the King's pleasure.

XXVII. And that no clerk of a Justice, Escheator, or Inquisitor, Extortion by take any thing for delivering articles, but only clerks of Justices in clerks of their eyre, and for this two shillings, of every wapentake, hundred, or vill that answers by twelve, or by six, according as it has been used of old time; and he that does contrary shall pay thrice as much as he shall have taken, and lose the service of his lord for one year.

XXVIII. And that no clerk of the King, or of his Justices, from Maintenance henceforth receive the presentation of a church, as to which any plea by officers of courts.

le Rey saunz le especial conge le Rey e ceo defent le Rey sour peine de perdre son suice. C. Et à nul Clerk de Justice ne de visconte ne meintengne parties en quereles ne en besoignes à sont en la Court le Rey ne fraude ne face par comune dreiture delaer ou destorbier. Et si nul le fet il serra puni par la peine plus pcheinement dite ou par plus greuouse si le trespas le requiert. C. Purueu est ensement à si nul siaunt Cōtour ou autre face nul manere deceyte ou collusion à sont en la Court le Rey ou cosente de fere la en deceyte de la Court por engingner la Court ou la partie, e de ceo seit ateint, lors eyt la prison de vn an e de vn iour e mes ne seyt oy en la Court a conter pur nuly. Et si ceo est autre à Contour par mesme la manere evt la prison de vn an e de vn iour almeins. Et si le trespas demaunde greinure peine seit a la volente le Rey. C. Pur ceo q muls de genz se pleingnent q les siaunz Criurs de feo e les autres marchals des Justices en eyre1 des Justices pnent atort deners de ceaus q recourent seisine de tere ou à gaingnent lour quereles des fins leuez des Jurours vilees prisons e des autres attachez al ple de la Coroune autrement q fere ne deussent en mulz de maneres, Et de ceo qil iad plus graunt noumbre de ceaus q auer ne deust, par quei le pople est malement greue, le Rey q tiels choses ne seient fetes desoremes, e si nul seriaunt de fee le face le office seit pris en la main le Rey. Et si mareschaus des Justices le facent, seient puniz greuement a la volente le Rey, e a tuz les pleintifs lun e lautre rendra le treble de ceo qil auera issi pris. C. De ceaus q pernent out*iouse tounuz encontre comun vsage del reaume ou ville marchaunde; prueu est à si nul le face en la Court le Rey mesme q seit a fe ferme, le Rey prendia la funchise del marche en sa mein. Et si ceo est autri vile e ceo seit fet par le seygn' de mesme la vile le Rey le fra par mesme la manere. Et si ceo fet par le baillif sauz comaundement le seygn, il

¹ Another MS. reads et des autres here.

or debate is in the King's court, without special licence of the King; and this the King forbids, upon pain of losing his service.

And that no clerk of any Justice or Sheriff, maintain parties in any quarrels or matters which are in the King's court, or work any fraud, whereby common right may be delayed or disturbed. And if any so do, he shall be punished by the penalty last aforesaid, or more heavily, if the trespass do so require.

XXIX. It is provided also, that if any Serjeant counter, or other, Deceits by do any manner of deceit or collusion in the King's Court, or consent to pleaders. make it, in deceit of the Court, to beguile the Court, or the party, and thereof be attainted, he be imprisoned for a year and a day, and from thenceforth be not heard to plead in Court for any one. And if he be other than a counter, that he be imprisoned in like manner for a year and a day at least; and if the trespass require greater punishment, it shall be at the King's pleasure.

XXX. Forasmuch as many complain that the serjeants criers of Extortion by fee, and the marshals of the Justices in eyre [and of other] officers of courts. Justices take money wrongfully of those who recover seisin of land, or of them that gain their suits, of fines levied of jurors, towns, prisoners, and of others attached upon pleas of the Crown, otherwise than they ought to do, in divers manners; and forasmuch as [the Justices] have a greater number of them than they ought to have, whereby the people are sore grieved. The King [forbids] that such things be done from aenceforth; and if any serjeant of fee does it, his office shall be taken into the King's hand. And if the Justices' marshals do it, they shall be heavily punished at the King's pleasure; and as well the one as the other shall pay to the complainants the treble value of what they shall have so taken.

XXXI. Touching those who take excessive toll, contrary to the com- Excessive toll mon custom of the realm, in market-towns; it is provided, that if any in market towns. do so in the court of the King himself, which is in fee-farm, the King shall take into his own hand the franchise of the market. And if it be another's vill, and that this be done by the lord of the same vill, that the King shall do in like manner. And if it be done by the bailiff, without

rendra ataunt por la outraiouse prise com il vousist auer pris de li si il eust enporte son tounu, e ouesqes ceo il auera la pison de xl iours. C. Des Citeins e des Burgeys a ki le Rev ou son piere ad gente murage por lor vile enclore, Et q tiel murage prengnët autrement qil lor est gente, e de ceo seit ateint; purueu est qil perdent cele grace de tut le tens q serra auenir e serrut en la greuouse merci le Rey. C. De ceaus q pnent vitaile ou nule riens al eos le Rey a creaunce ou a garnison del Chastel or aillurs [e kant il ount receu le paiement a la chekere, en garderobe ou aillors]1 deteingnêt la paie des creaunceors a gant damage de eaus en esclaundre del Rey; purueu est à ceaus à ont teres * tenemenz à meintenaunt seit ceo leue de lour teres € de lur chateaus € paie as creauncecrs oue le damage qil aueront eus e seient reinz por lur trespas e sil neient teres ne tenemēz, seient en pison a la volente le Rey. C. De ceaus à puent ptie des dettes le Rey ou autres louers pernent des creaunceors le Rey por fere la paie de mesme celes dettes; purueu est qil rendent le double e seient puniz greuement a la volente le Rey. C. De ceaus à pernent chiuaus ou Charettes a fere les cariages le Rey plus à mester ne serroit e pernent louer pur relesser les chiuaus ou les charettes; purueu est q si nul de la Court le face, il serra greuement chastie par les mareschaus e si ceo seit fet hors de la Curt ou par autre q il seit ateint si rendra le treble e serra en la pison le Rey xl iours. C. Purueu est à nul visconte ne seoffre baretour meintenir paroles en Conte ne seneschaus de gent sevenurs ne autre sil ne seit attorne son sevenur a suite fere ne rendre les Jugemenz des Contez ne pronücier les Jugemenz sil ne seit especialment prie * requis de ceo fere de tuz les suitiers e les attornez des suitrs à i serront a la Jorneie e si nul le face, le Rey se prendra greuousement e al visconte e a luy. C. Pur ceo à plusors vnt souent troue & conte com troueurs dont descord & manere de descord ad este souent entre le Rey e son pople ou aukuns² homes de son reaume est

¹ This sentence occurs in all the other MSS, and old printed copies.
² Four other MSS, read hautes here. See Stat. Realm.

the command of the lord, he shall restore as much for the excessive taking, as he would have taken of him, if he had carried away his toll, and moreover have forty days imprisonment.

Touching citizens and burgesses, to whom the King or his father Murage. had granted murage to enclose their vills, and who take such murage otherwise than it was granted unto them, and thereof are attainted; it is provided that they lose that privilege for all time to come, and be in the grievous mercy of the King.

XXXII. Concerning those who take victuals or other things to the Defaults of King's use on credit, or for the provisioning of a castle, or otherwise, [and when they have received payment in the Exchequer, in the wardrobe, or elsewherel, they with-hold it from the creditors, to their great damage, and discredit of the King; it is provided that in the case of those that have lands and tenements, it be immediately levied of their lands, and of their goods, and paid to the creditors, with the damage they shall have sustained, and that they be fined for their trespess; and if they have no lands or tenements, that they be imprisoned at the King's will.

Concerning those who take part of the King's debts, or take other re- Purchasing the wards of the King's creditors to make payment of the same debts; King's debts. it is provided, that they pay the double thereof, and be heavily punished at the King's pleasure.

Concerning those who take horses or carts for the King's carriage Purveyance of more than need be, and take rewards for releasing such horses or carts; carts. it is provided, that if any of the Court so do, he shall be heavily punished by the marshals; and if it be done out of the Court, or by another and he be thereof attainted, he shall pay treble, and remain in the King's prison forty days.

XXXIII. It is provided, that no Sheriff suffer any barrator to maintain Barrators at suits in the county [court], neither seneschals of great lords, nor other County Courts. (unless he be attorney for his lord) to make suit, or to give judgments in the county [courts], or to pronounce judgments, if he be not specially prayed and required to do this by all the suitors, and attorneys of the suitors, who shall be in Court; and if any do so, the King shall punish heavily both the Sheriff and him.

XXXIV. Forasmuch as many are oftentimes found and accounted Standerous inventors of tales, on account of whom discord, and occasion of reports. discord, have many times arisen between the King and his people, or some [great] men of his realm; by reason of the injury that has

defendu pur le damage q ad este e vncore purreit auenir q desorenauaunt nul ne seit si hardi de dire ne de contier nule fause nouele ou controueure dont nul descord ou maniere de descord ou desclaundre puisse sourdre entre le Rey e son pople ou les hauz houmes de son reaume, Et ki le fra, seit pris € detenuz en pison iesqes ataunt à il eit troue celuy en la Court dont la parole serra meu. C. Des hauz houmes e lour bailliz e des autres hors pris les ministres le Rey qi especiale auctorite est done de ceo fere à a la pleinte de aukuns ou par lur auctorite demeine attachent autres ou lour biens trespasaunz par lour poer a respondre deuaüt eaus des Contraks couenauntes e des trespas fet hor de lour pouer e iurisdiction la ou il ne tiengnent rien de eaus ne dedenz la fraunchise ou lour poer est en Biudice le Rey e de la coroune e al damage del pople; purueu est q nul desoremes nel face. Et aukun le fet il rendra a celui q serra attache son damage al double e serra en la greue merci le Rey. C. Pur ceo q auaunt ces vres ne fut vnkes resonable aide a fere fiuz chiualers ou a filles marier mise en cotein ne quat ele deuoit estre prise ne quel houre par quei les vns leuerent outraiouse aide plus tost à ne sembloit mest dont le pople se senti greuce; purueu est à desoremes de fee de chiualer entier solement seient donez vint souz e de vint liurees de tere tenues par socage vint souz e de pl' plus e de meins, solum le afferaunt e q nul ne puisse leuer tiel aide de fere son fiuz chiualer taunt q son fiz seit de age de quinze aunz ne a sa fille marier taunt q ele seit de age de set aunz. Et de ceo serra fet mencion en le brief le Rev forme sur ceo qent il le veille demaunder. Et sil auent q le piere qent il auera leue tiel ayde de ses tenaunz meorge auaunt à il evt sa fille marie les essecutors le piere seient tenuz a la fille entaunt com le piere auera receu e si les biens ne soffisent, le heir seit tenu de ceo a la fille. C. Purueu est e acorde ensement à si nul houme seit ateint de deseissine fete en tens le Rey q ore est ou roberie de nul maner de chatel ne de meoble par reconisaunce de assise de nouele deseisine le iugement seit tiel q le pleintif recouera sa seisine e ses

and still may happen, it is forbidden, that from henceforth any be so presumptuous as to tell or publish any false news or tale, whereby discord, or occasion of discord or slander may grow between the King and his people, or the great men of his realm; and he that shall so do, that he be taken and kept in prison, until he have brought into Court, him by whom the tale shall have been set in motion.

XXXV. Concerning great men and their bailiffs, and others (the Punishment King's officers excepted, unto whom special authority is given to the lawful do so) who at the complaint of some, or by their own authority, attach inrisdiction of franchises. others passing with their goods through their jurisdiction, to answer before them of contracts, covenants, and trespesses, done out of their power and jurisdiction, where they hold nothing of them, or within the franchise, where their power is, in prejudice of the King and his crown, and to the damage of the people; it is provided, that none from henceforth do so; and if any so do, he shall pay to him who shall be attached, his damages double, and shall be in the grievous mercy of the King.

XXXVI. Forasmuch as heretofore, there was not any reasonable aid, Aids for for making sons knights, nor for marrying daughters, arranged for and marriage. certain, neither how much should be taken nor at what time, whereby some levied excessive aid, [and] sooner than seemed necessary, whereby the people felt themselves grieved; it is provided that henceforth of the whole fee of a knight, twenty shillings only be given, and of twenty librates of land held in socage, twenty shillings, and of more, more; and of less, less, according as they assess it; and that none can levy daughter for so much as the father shall have received, and if [the father's] goods be not sufficient, that the heir be bound therein to the daughter.

such aid for making his son a knight until his son be fifteen years of age, nor for marrying his daughter until she be of the age of seven years; and that mention be made of that in the King's writ founded thereupon, when any will demand it. And if it happen that the father. after he shall have levied such aid of his tenants, die before he has married his daughter, that the executors of the father be bound to the

XXXVII. It is provided also and agreed, that if any man be attainted Disselsin with of disseisin done in the time of the King that now is, with robbery of with force. any manner of goods or movables, by recognition of assise of Novel disseisin, the judgment be such, that the plaintiff recover his seisin

damages ausi bien des chateaus e del moeble auauntdit com del cel, Et le deseisisur seit reint le quel q il seit Bsent ou noun, issi q si il seit enpset primes seit agarde a la prison. Et par mesme la manere seit fet de deseisine fet a force « armes tut ne face om roberie. C. Pur ceo q aukune genz de la tere doutent meins de faire faus sement à fere ne deussent pr quei mult de gent sont desheritez e pdent lour dreit; purueu est q desoremes le Rei de son office dorra ateintes sur les enquestes en plai de tere ou de fraunchise [ou de chose]¹ q touche fraunk tenement qant il li semblera q bosoigne seit. C. Et pur ceo à le tens est mult passe puis à les briefs de suz nomeez furent autofeiz limitez; purueu est à om conte de decente en le brief de dreit q nul ne seit oy por demaunder la seisine son auncestre de plus lointein seisine 4 del tens le Rey Richard oncle le piere le Rey q ore est, e q le brief de nouele deseisine e de porpartie q est apelle nup obiit eient le terme puis le primer passage le Rey Henry piere nostre seign^r le Rey q ore est en Gascoyngne. Et le brief de mort dauncestre de cosinage del Ael e de entre e brief de Neiuete eyent le Pme del Corounemet le Rey Henri e ne mie auaunt, mes q tuz les briefs ore aparmesme? ou q lem prchacera entre ci e la seint Johan en vn an seient pledez del tens q auaunt soleient estre pleidez. ceo q mulz de genz sont delaez de lour dreit pur fausement voucher garaunt; purueu est en brief de possession tut a primes si com en brief de mort dauncestre cosinage del Ael nup obiit de entrusion e en autres briefs semblables par les queus teres ou tenemenz seient demadez à deiuent decendre reuertir remeindre ou escheir par mort dauncestre ou de autre à si le tenaunt vouche a garaunt e le demaundaunt le contre pleide e veille averrer par assise ou par pais ou en autre manere si com la Court le Rey agardera q le tenāt ou son auncestre qi heyr il est fust le primer ki entra apres la mort celui qi seisine il demaunde, seit la verrement

¹ These words occur in another MS.
2 Purchasez in another MS.

and his damages, as well of the goods and movables aforesaid, as of it [the freehold], and the disseisor be fined, whether he be present or not, provided that if he be present, he be first committed to prison. And that in like manner it be done of disseisin with force and arms, although it be not done with robbery.

XXXVIII. Forasmuch as certain people of the land hesitate less Attaints on than they ought to, about taking a false oath, whereby many are dis- pleas of land. herited, and lose their right; it is provided, that the King, of his office, from henceforth grant attaints upon Inquests in plea of land, or of franchise, [or of anything] touching freehold, when it shall seem to him necessary.

XXXIX. And forasmuch as it is a long time since the write under- Limitations of named were formerly limited; it is provided, that [in] the narration prescription. of descent in a writ of Right, none be heard to demand the seisin of his ancestor, as to a seisin earlier than the time of King Richard, uncle to the father of the King that now is; and that the writ of Novel Disseisin, and that of Purparty, which is called Nuper Obiit, have their limitation from the first voyage of King Henry, father to our lord the King that now is, into Gascony. And that the writ of Mortd'ancestor, of Cosenage, of Aiel, of Entry, and of Neifly, have their limitation from the coronation of King Henry, and not before. Nevertheless that all writs now purchased or that shall be purchased between this and the feast of St. John, for one year, be pleaded as from the time that heretofore they have been used to be pleaded.

XL. Forasmuch as many people are delayed of their right by false Vouching to vouching to warranty; it is provided, that in writs of Possession, first warranty. of all, as in writs of Mortd'ancestor, Cosenage, Aiel, Nuper Obiit, Intrueion, and other like write, whereby lands or tenements are demanded which ought to descend, revert, remain, or escheat by the death of an ancestor, or of other, if the tenant vouch to warranty, and the demandant counterplead him, and will aver by assise, or by the country. or otherwise, as the King's Court shall award, that the tenant, or his ancestor (whose heir he is) was the first that entered after the death of him, the seisin of whom he demands; that the averment of the demand-

del demaundaunt receu si le tenaunt le veille atendre; si ceo noun, seit bote vtre a autre respons sil ne eit son garaunt en present à il voille graunter de son gre e meintenaunt entrer en respons sauue al demaundaüt ses exceptions encontre li sil voille voucher outre com il auoit auaunt com le primer C. De rechief en totes maneres des briefs de Entre font mencion des degroz à nul desoremes ne voucho hors de la lingne. En autre briefs de entre à la ou nule mencion nest fet des degrez les queus briefs ne soient sostenuz fors la ou les auaundiz briefs des degrez ne poent gisir ne lui tenir de dreyt. C. Et en brief de dreit purueu est à si le tenaunt vouche a garaunt e le demaundaunt le veille contrepleider e seit prest de auerr^o par pays q celi q est vouche ou ses auncestres vnkes nauevent seisine de la tere ou del tenement demaunde fee ne suise par la meyn le tenaunt ou de ses auncestres puis le tens cely de qi seisine le demaundaunt conte iesque al tens q le brief fu purchace € le ple meu, par quei il poent auerrer q le tenaunt ou ses auncestres feoffez seit laverrement del demaundaunt receu si le tenaunt le voille attendre. Si ceo noun, seit le tenaunt bote a autre respons sil neit son garaunt enßent qil voille garauntir de son gre et meintenaunt entrer en respons sauue al demaundaunt ses excepcions encountre li si com il auoit auaunt encontre le primer tenaunt. Et lauauntdit excepcion eit lui en brief de mort de auncestre e en autres briefs auaunt nomez ausi bien com en briefs à touchent Et si le tenaunt par cas eyt chartre de garauntie de autre houme de coste q se seit oblige en nul de les auauntdiz cas a la garauntie de son eindegre sauue li seit son recouerir par brief de garauntie de chartre de la Chauncelerie le Rey qant il voudra purchacer mes q le plai ne seit por ceo delaic. C. De sment de Champyons est porueu pur ceo q relement auient q le Champion al demaundaunt ne seit piurs einz ceo q il iure q il ou son piere vit la seisine son seyngn' ou de son auncestre, e son piere lui comaunda fere la desrene q mes ne seit le Champion al

ant be received, if the tenant will abide thereby, and if not, that he be further put to another answer, if he have not his warrantor present, who will freely warrant him, and immediately enter in answer, saving to the demandant his exceptions against him, if he will vouch over, as he had before in the case of the first tenant.

That from henceforth in all manner of writs of Entry [which] make In writs of mention of degrees, none vouch out of the line. In other writs of voucher out Entry where no mention is made of degrees; such write shall not be of the line. maintained, save where the aforesaid writs of degrees cannot lie, nor of right hold place.

And in a writ of Right it is provided, that if the tenant vouch to Counterwarranty, and the demandant will counterplead him, and be ready to voucher in aver by the country, that he that is vouched, or his ancestors, never writ of right had seisin of the land or tenement demanded, fee or service by the hand of the tenant, or his ancestors, since the time of him, of whose seisin the demandant declares, until the time that the writ was purchased, and the plea moved, whereby he might aver that the tenant or his ancestors were enfeoffed, that the averment of the demandant be received, if the tenant will abide thereby. If not, that the tenant be put to another answer, if his warrantor be not present who will freely warrant him, and immediately enter in answer, saving to the demandant his exceptions against him, as he had before against the first tenant. And that the said exception have place in a writ of Mortd'ancestor and in the other writs before-named, as well as in writs that concern right. And if perchance the tenant have a charter of warranty of another collateral, who is bound in none of the cases before mentioned to the warranty of his own accord; that his recovery, by a writ of warranty of charter out of the King's Chancery be saved to him whenever he will purchase it; howbeit that the plea be not therefor delayed.

XLL Touching the cath of champions, forasmuch as it seldom Champion's happens, but that the champion of the demandant is forsworn, in that oath. he swears, that he or his father saw the seisin of his lord, or of his ancestor, [and that] his father commanded him to dereign; it is provided that from henceforth the champion of the demandant be not compelled to swear to it: nevertheless that his oath be kept in all other points.

demaundaunt destreint a ceo iurer mes seit le sment garde en tuz ses autres poinz. C. Pur ceo q en briefs de assises e de atteintes e iurees de vtrum les iurors sont trauaillez par assoigne des tenaunz; purueu est q del houre qil eit vne fiez apparu en Court q mes ne puisse essoneyr mes face attorne a suire pur li sil veille; si ceo noun, seit le assise ou la iuree prise par la defaute. C. Pur ceo q les demaundaunz sont souentefoiz delacz de lour dreit por ceo qil iad plusors parceners tenaunz iointement feoffez ou nul ne siet son seueral dont nul ne poet respondre saunz autre ou à il iad plusors parceners tenaunz iointement feoffez ou nul ne siet son seueral e ceus tenaunz souent fourchent par assoingne, issi û cheskun eyt vn assoingne purueu est û desoremes i ceaus tenaunz ne eyent assoingne, fors à a vne iournee e nient plus q vn soul tenaunt issi q mes puissent fourcher for taunt soulement aû vn assõigne. C. Pur ceo à mulz de genz se font fausement assoingner de vtre mer la ou il furēt en Engletere le iour de la somonse, purueu est à desoremes à tiel assoingne ne seit pas del tut alouwe si le demaundaunt le Chalenge e prest est de auerrer qil fut en Engletere le iour q la somonse fu fete e treis semeines apres mes seit a iorne en ceste fourme à si le demaundaunt a tiel iour suie la verrement par pais ou si com la Court le Rey agardera e seit ateint q le tenaunt fut dedenz les quatre meers le iour qil fu somons e tres semeines apres, issi à il poeit estre resonablement garni de la somonse seit le assoingne turne en vne defaute e ceo fet a entendre taunt soulement deuaunt Justices. C. Des delais en tote maners de brefs de attachemenz est purueu q si le tenaunt ou le defendaunt apres le attachement tesmoingne face defaute q meintenaunt seit le graunt destresce agarde e si le visconte ne respoingne soffisaument al iour, seit greuousemēt afficie. Et sil maunde qil ad fet le execucion en due manere e les issues baillez as mainpernors adonkes seit maunde al visconte à al autre jour face venir les issues deuaunt Justices e si le attache veut sauuer ses defautes eit les issues e sil ne

XLII. Forasmuch as in write of Assise, Attaints, and juries of Utrum, No cesoin by jurors are troubled by reason of the essoins of tenants; it is provided, appearance. that after the tenant has once appeared in Court he be no more essoined, but make his attorney to sue for him, if he will; if not, let the assise or jury be taken by default.

XLIII. Forasmuch as demandants are oftentimes delayed of their Essoins by right by reason that there are many parceners tenants, jointly en- parceners, do feoffed, where none knows his several, no one of whom can be compelled to answer without the other, or there are many parceners tenants, jointly enfeoffed, where none knows his several, and such tenants oftentimes fourth, by essoin, so that each of them has an essoin; it is provided, that from henceforth those tenants do not have essoin, but at one day, and no more than one sole tenant; so that they can no more fourch, but only have one essoin.

XLIV. Forasmuch as many persons cause themselves falsely to be Reessoined for being over the sea, whereas they were in England the day ultra mare. of the summons; it is provided from henceforth, that such essoin be not always allowed, if the demandant challenge it, and be ready to aver that he was in England the day the summons was made and three weeks after: but that it be adjourned in this form: that if the demandant at such a day prosecute the averment by the country, or as the King's Court shall award, and it be proved that the tenant was within the four seas the day that he was summoned, and three weeks after, so that he might be reasonably warned of the summons, the essoin be turned into a default; and this is to be understood only before Justices.

XLV. Concerning delays in all manner of writs of attachment, it is pro- Process to vided, that if the tenant or defendant, after the attachment, make compel default, that straightway the great distress be awarded; and if the sheriff do not make sufficient return by the day, that he be heavily amerced; and if he return, that he has made execution in due manner, and the issues delivered to the sureties, then that the sheriff be commanded, that he cause the issues to come before the Justices at another day, and if the party attached come to save his defaults, that he have the issues; and if

veut eit le Rey les issues. Et Justices a les plez le Rey les facent liuerer en garde robe. Justices del Baunc a Weymostier les facent liuerer al Escheker. Justices en Eyre al visconte de cel Counte ou il pleident ausi bien de cel conte com de foreins Countiez e de ceo seit charge en somonse par roule des Justices. C. Purueu est ensement e par le Rey comaunde 4 Justices al Baunk le Rey e Justices del Baunk a Weymostier parpleydent les plez aterminez a vn iour einz ceo û riens seyt attame ou comence des plez del iour ensiuaunt hors pris q les assoingnes seient entrez iugez e renduz. Et par acheson de ceo nul houme se fie q il ne viengne a son iour q done lui est. C. Purueu est ensement 4 si nul desoremes purchace brief de nouele deseisine e si celui sur qi le brief vient com principal deseisisour meorge auaunt q le assise seit passe q le pleintif eyt son brief de ente funde sur deseisine sour le heyr ou sour les heyrs al deseisisour de quel age qil seient en mesme la manere eit le heyr ou les heyrs al deseisi lour brief de entre sur les descisisours de quel age qil scient si par auenture le descisi meorge auaunt qil eit son purchaz fet. Issi q pur le noun age de heyrs de vne part * de autre ne seit le brief abatu ne le plai delaie mes a qant lom poet saunz lei offendre seit haste pur la fresche suite apres la deseisine. En mesme la manere seit cel point garde endreit de prelaz gent de religion e autres as queus teres ou tenemez en nule manere puissent devenir apres autri mort le quel qil seient deseisiz ou deseisisors. Et si les parties en pleidaunt decendent en enqueste e ele passe encontre le heyr [dedenz age * nomeemēt encontre le heyr] al deseisi, qil en tiel cas eit lateinte de la grace le Rey. C. Si gardein chief seyngn^r feoffe nul houme de la terre q est del heritage al enfaunt q est de denz age e en sa garde a la descriteson del heyr, purueu est à le heyr meintenaunt eyt son recouerir par bref de nouele deseisine ver son gardein e ver le tenaunt e seit la seisine baille par Justices si ele seit recoûce al pchein ami

he come not, that the King have the issues. And that the Justices of the King's Pleas cause them to be delivered in the Wardrobe; and the Justices of the Bench at Westminster cause them to be delivered to the Exchequer; and the Justices in eyre unto the sheriff of that county where they plead, as well of that county as of other counties, and be charged therewith in summons by the roll of the Justices.

XLVI. It is provided also, and commanded, by the King, that the Order of Justices of the King's Bench and the Justices of the Bench at Westminster decide pleas atterminable at a certain day, before any matter be entered upon or commenced, of the pleas of the day following, saving that the essoins be entered, judged, and allowed; but by reason hereof, let none presume that he come not at the day given to him.

XLVII. It is provided also, that if any from henceforth purchase a Non-age of writ of Novel disseisin, and he against whom the writ was brought as disseisin principal disseisor, die before the assise be passed, that the plaintiff have his writ of Entry grounded upon disseisin against the heir or heirs of the disseisor, of what age soever they be. In the same manner the heir or heirs of the disseisee have their writ of entry against the disseisors, of what age soever they be, if peradventure the disseisee die before he has made his purchase; so that for the nonage of the heirs of the one party, and of the other, the writ be not abated, nor the plea delayed; but as much as a man can without offending the law, haste must be made to make fresh suit after the disseisin. In like manner, that this point be observed towards prelates, men of religion, and others. to whom lands or tenements can in no wise descend after others' death, whether they be disseisees or disseisors. And if the parties in pleading come to an inquest, and it pass against the heir [under age, and especially against the heir]1 of the disseisee, that in such case he have an attaint by the King's grace.

XLVIII. If a guardian, being the chief lord, enfeoff any man of land, Unlawful that is the inheritance of an infant who is under age, and in his ward. feofiment of lands in ward. ship, to the disherison of the heir; it is provided, that the heir forthwith have his recovery by writ of Novel Disseisin against his guardian, and against the tenant; and the seisin be delivered by the Justices, if

These words occur in four of the principal MSS See Stat. Realm.

a ki le heritage ne purra decendre pur apruer al eos lenfaunt e a respondre al heyr des issues com il vendra a son age e le gardein pde a tote sa vie la garde de mesme la chose recouere e de tut le remenaunt del heritage qil tient en noun del heyr. Et si autre gardein q chief seyngr le face, pde la garde de tote cele chose e seit a greue prine dever Et si lenfaunt seit aloingne ou destourbe par le gardein ou par le feoffe ou par aute par quei il ne puisse sasise suire, siue par lui vn de ses procheins amis q voudra e seit receu. C. En bref de douayre dont dame riens nad mes ne seit le bref abatu par excepcion del tenaunt por ceo q ele auera receu son douayre de aute houme auaunt son bref purchace sil ne puisse mostrier à ele eyt receu partie de douayre de li mesme e en mesme la vile auaunt son bref purchace. C. Et pur ceo q le Rey fet cels choses al honur de dieu e de seint Eglise e pur le comun prou e le aleiaunce de ceus q greuez sont il ne voet mie q autre foiz puisent tourner a Biudice de lui ne de la coroune mes à les dreiz à li aportiengnet li seient sauuez en tuz ses autes poinz. C. Et pur ceo q graunt charite serroit de fere dreyt a tuz e en tuz tens ou mest serroyt q par assentement des prelaz assises de nouele deseisine de mort dauceste e de drein present feussent prises en laduent e en septuagesme e en quaremme ausi bien com lem fet les enquestes e ceo prie le Rey as Eueskes.

it be recovered, to the next friend, to whom the inheritance cannot descend, to improve it for the use of the infant, and to answer for the issues to the heir, when he shall come to his full age; and that the guardian, during his life, lose the wardship of what was recovered, and all the rest of the inheritance that he holds in the heir's name. And if another guardian than the chief lord do it, that he lose the wardship of the whole and be heavily punished on the King's part. And if the infant be removed, or disturbed by the guardian, or by the feoffee, or by any other, by reason whereof he cannot sue his assise, then one of his next friends, that will, may sue for him, and he shall be admitted.

XLIX. That in a writ of *Dower*, [called] *Unde nihil habet*, the writ plea in Dower, a bate not by the exception of the tenant, because she [the widow] shall have received her dower of another man before her writ was purchased, if he cannot show that she has received part of her dower of himself, and in the same vill, before her writ was purchased.

L. And forasmuch as the King has ordained these things to the Saving for the honour of God and Holy Church, and for the Commonweal, and for the Crown. relief of those who are aggrieved; he wills not that at any other time, they should be turned to the prejudice of himself, or of his Crown; but that such rights as appertain to him, should be saved in all other points.

LI. And forasmuch as it is great charity to do right unto all men, Time of taking at all times, where need be, [it is provided] by the assent of the Prelates assisce enlarged. that Assises of Novel Dissessin, Mortd'ancestor, and Darrein Presentment, be taken in Advent, Septuagesima, and Lent, just as Inquests may be taken; and this the King requests of the Bishops.

13 EDWARD I. A.D. 1285.1

[RED BOOK OF THE EXCHEQUER IN IRELAND, FOL. 92-96.]

An de grace M° C°C Lxxviij e del Regne le Rey Edward fiz le Rey Henri sime a Gloucestr le moys de Aust porueaunt mesme le Rey pur lamendement de son Reaume e pur plus plenere exhibicion de drete si com le pfit de office regal demaunde appellez le plus descrez de son Regne ausi bien ausi bien² des greindres com des mendres; establi est e concordaument ordine q come mesme le Regne en plusors diuers cas ausi bien des fraunchises come de autres choses en les queles auaunt lei failli e a eschuire les tres gref damages e les nient noumbrables descritesons les quels icel manere defaute de lei fist a la gent del reaume eit mester de diuers supplecions de lei e de noueles porueaunces les estatuz ordinemens e porueaunces suz escrites de tote la gent del Regne desoremes fermement seit gardez.

Cum prelaz Countes Barons e autres del Regne cleiment auer diuerses fraunchises a les quels examiner e iuger le Rey ad mesmes cels prelaz Countes Barons e autres auoit done iour: Purueu est e concordaument graūte q les auauntdiz prelaz Countes Barons e autres cels manere de fraunchises usēt issint q rien ne lur acresse par vsurpacion ou occupacion ne rien sur le Rey ocupēt iesqes a la pcheine venue le Rey par le Conte ou a la pcheine venue des Justices erraunz as comuns plez en mesme le Counte ou iesqe le Rey comaunde aute chose salue le dreit le Rey com il enuoudra parler solum ceo qil est contenu en le bref le Rey e de ceo sient maunde brefs as viscontes baillifs e autres por cheskun demaundaunt e seit la fourme del bref chaunge e solum la diffsete des fraunchises les quels cheskun cleime auer. C. E les viscontes par totes lour baillies frunt comunaumet crier ceo est a sauer en Cites en Burgs en viles marchaudes e aillurs q touz ceaus qi aukuns fraunchises cleiment auer par

¹ See Wr.t 13th year (p. 46), commanding observance of this Statute in Ireland. This Statute was re-enacted for Ireland by Statute in a Parliament held at Dublin, 13 Edward II., cap. 2.

2 Words repeated in MS.

13 EDWARD I. A.D. 1285.

THE STATUTES OF GLOUCESTER. (Enacted in England. 6 Edward I.) THE year of grace 1278, and the sixth of the reign of King Edward, son of King Henry, at Gloucester, in the month of August, the King himself providing for the amendment of his realm. and for a fuller display of justice, as the good of the kingly office requires, having called unto him the most discreet persons of his kingdom, as well of the greater as of the lesser, it was established and ordained with one accord, that whereas the same kingdom, in many divers cases as well of franchises as of other things, wherein aforetime the law has failed, and to avoid the very grevious damages and innumerable disherisons which this default of the law has caused to the people of the realm, has need of divers additions to the law, and of new provisions; that therefore the statutes, ordinances, and provisions under-written be henceforth steadfastly observed by all the people of the kingdom.

Whereas the prelates, earls, barons, and others of the kingdom, claim Franchises to have divers franchises, for the examination and judgment whereof be used until the King had appointed a day to the said prelates, earls, barons, and thereof, others; it is provided and granted with one accord, that the aforesaid prelates, earls, barons, and others, use such manner of franchises, so that nothing accrue to them by usurpation or encroachment, and that they encroach nothing against the King, until the next coming of the King through the county, or the next coming of the Justices in eyre for common pleas into the same county, or until the King otherwise command: saving the King's right when he wishes to demand it, according to what it contained in the King's writ. And hereof let writs be issued to the Sheriffs, Bailiffs, and others, in behalf of every one demanding it; and that the form of the writ be changed according to the diversity of the franchises that each claims to have.

And that the Sheriffs cause it to be commonly proclaimed through. Proceedings out their bailiwicks, that is to say, in Cities, Burghs, Market Towns, Franchises. and elsewhere, that all those who claim to have any franchises by the

les chartres Les predecessors le Rey Reys de Engletere ou en autre manere sient deuaunt le Rey ou deuaunt Justices en eyre a ctein iour e lui a mostrer quels manere de fraunchises il cleiment auer e par quel garaunt. E les viscontes mesme donkes \$ront ileokes psonaument od lour baillifs € lour ministres a êtefier le Rey sur les auauntdites fraunchises e autres choses à cels fraunchises touchent. E ceste crie deuaunt le Rey contingne garnisement de treis semeynes. mesme la manere front les Viscontes crier en eyre de Justices e en mesme la manere ferront il psonaument od lour baillifs e lour ministres à êtefier les Justices de tiels manere de fraunchises e des autres choses à ceaus fraunchises touchent. Et ceste crie contiengne garnisement de quraunte iours si com la comune somonse cotient issi à si la partie à cleime auer fraunchise seit deuaunt le Rey ne seit pas mis en defaute deuaunt les Justices en eyre pur ceo q le Rey de sa grace especiale ad graunte q il gardera la partie de damage qant a cel aiournement. E si cele partie seit en play sour tiels manere de fraunchises deuaunt vne peire des Justices auauntdiz mesmes les Justices deuaunt les quels la partie est plai garderont la partie de damage deuaunt autres Justices. E le Rey deuaunt li mesme mes qil sache par les Justices q la partie feust en plai deuaunt eus si com il est auauntdit. Et si ceaus q cleiment tiels fraunchises auer n viengnet al iour auauntdit, donkes seient les fraunchises en noun de destresce prises en la main le Rey par le visconte del lui issi à tiel manere de fraunchises ne vsent ieskes il viegnent a receiure dreit. C. E quant il viengnent par cele destresce, lour fraunchises lour seiet repleuies sil les demaundent les quels repleuies respoingnët meintenant en la forme auadite. E si par auenture les parties exceptent q il ne deiuent nient de ceo respondre sauz bref original, donke si il pusse estre seu q eus de lour ppre fet event vsurpe ou occupe aukuns fraunchises sour le Rey ou sour ses pdecessors, dit lour seit q meintenaut respoingnent saunz bref e puis receiuent iugement si com la Court le Rev agardera. E si il dient outre q lour auncestre e lour auncestres de mesme les fraunchises morurent seisis, seit oi charters of the King's predecessors, Kings of England, or in other manner, be before the King or before the Justices in eyre, at a certain day and place, to shew what manner of franchises they claim to have, and by what warrant. And the Sheriffs themselves shall then be there personally, with their bailiffs and officers, to certify the King upon the aforesaid franchises and other matters touching such franchises. And that this proclamation before the King contain three weeks' notice.

And in like manner the Sheriffs shall make proclamation in the circuit of the Justices, and in like manner they shall come personally with their bailiffs and officers, to certify the Justices of such manner of franchises, and other matters touching such franchises. And that this proclamation give forty days' notice, as the common summons contains; so that if the party who claims to have a franchise be before the King, he be not put in default before the Justices in eyre; forasmuch as the King of his special grace has granted that he will save the party harmless in respect of this adjournment. And if any such party be in plea upon such manner of franchises before two of the aforesaid justices, that the same justices before whom the party is in plea, save the party harmless before other justices; and the King likewise before himself, when he knows from the justices that the party was in plea before them, as is before said. And if they that claim to have such franchises come not at the day Seiser of aforesaid, then that the franchises be taken into the King's hand by the Franchises on non-appear-Sheriff of the place, by way of distress, so that they use not such manner ance. of franchises until they come to receive justice.

And when they come upon that distress, that their franchises be replevied, if they demand them, which replevies they shall answer forthwith in the form aforesaid. And if peradventure the parties make Exception for exception that they ought not to answer thereupon without an original want or original Writ. writ, then if it can be known that they have, by their own act, usurped or occupied any franchises against the King or his predecessors, that they be told forthwith to answer without writ, and afterwards receive judgment as the King's Court shall award. And if they allege further that their ancestor or ancestors died seised of the same franchises,

e meintenaunt seit la verite enquise e solum ceo aillent les Justices auaunt en la bosoingne. E si il seit troue q lour auncestre en morust seisi, donkes eit le Rey bref original de sa Chauncelerie en la forme fete de ceo. C. Le Rey maūde saluz al visconte sommonez par bons somenors vn tiel q il seit deuaunt nus a tiel lui a nre pcheine venue en tiel Counte ou deuaunt Justices as primeres assises com il en celes parties vendront a mostrer par quel garaunt il cleime auer quitaunce de tounue pur sei ou ses homes par tut nre reaume par continuacion apres la mort tel iadis son pdecessor. E eyez ileokes les somenurs e ceo bref. les parties viengneut al iour, respoingnent e seit replie € E sil ne viengnët ne se essoingnët deuaunt le Rey e le Rey demeorge outre en cel Counte, seit comaunde al visconte qil les face venir al quart iour a quel iour si il ne viengnēt e le demorge outre en cel Counte seit fet si com en eyre de Justices. E si le Rey departe del Counte, seient les parties aiorneez a bref iour e eyent renables delays iouste les descrecions des Justices si com en actions psoneles. les Justices E les Justices en eyre facent de ceo en lour eyres solum le ordeinement auauntdit e solum ceo à tiels manere de plez deiuent estre deduz en eyre. C. Des pleintes fetes & a fere des baillifs le Rey e de autri baillifs seit solum le ordeinemet auaunt fet de ceo e solum les enquestes de ceo auaunt prises & de ceo frount les Justices en eyre, solom ceo q le Rey lour ad enioint e solum les articles q le Rey lour ad liuere. C. Cvm auaunt ces houres damages ne feussent agardez en assises de nouele deseisine fors taunt soulement vers les deseisisors; purueu est à si les deseisisors alienent les tenemenz e ne eient dount les damages puissent estre leuez à ceus en qi mains iceus tenemenz deuendront, seient chargez des damages issint q cheskun respoingne de C. Purueu est ensement à le deseisi recoure damage en bref de entre founde sour nouele deseisine vers celi qi est troue tenaunt apres le deseisisor.

Words repeated in MS.

that they be heard, and forthwith inquiry be made of the truth, and Proceedings according thereto that the justices proceed in the business. And if it Franchises by be found that their ancestor died seised thereof, then the King shall seisin of ancestors. have an original writ out of his Chancery in the form in that case made:

"The King to the Sheriff, sends greeting; summon by good sum. Form of Writ. moners such an one, that he be before us, at such a place, upon our next coming into such a county; or before the justices at the first assises, when they shall come into those parts, to shew by what warrant he claims to be quit of toll, for him or his men, throughout our realm, by continuance after the death of such an one late his predecessor. And have there the summoners and this Writ."

And if the parties come at the day, that they answer, and reply be Proceedings made, and judgment given. And if they come not, nor essoin themselves before the King, and the King tarry longer in that county, that the Sheriff be commanded to cause them to come at the fourth day; at which day if they come not, and the King tarry longer in that county, let it be done as in the eyre of the justices. And if the King depart out of the county, the parties be adjourned unto a short day, and have reasonable delays, according to the discretion of the justices, as in actions personal. And that the Justices in eyre proceed herein, in their eyres, according to the ordinance aforesaid and according as such manner of pleas ought to be proceeded on in the eyre.

Concerning complaints made and to be made of the King's bailiffs, Complaints and of the bailiffs of others, that it be done according to the ordinance Sheriffs. before made thereof, and according to the inquests before taken thereupon. And the Justices in eyre shall do therein, according to what the King has enjoined them, and according to the articles which the King has delivered to them.

I. Whereas heretofore damages were only awarded in Assises of Novel Damages in disseisors, against the disseisors, it is provided, that if the disseisors at. alien the tenements, and have not whereof the damages may be levied, that they to whose hands such tenements shall come, be charged with the damages, so that every one answer for his time.

It is provided also, that the disseisee recover damages in a writ of Entry, grounded on Novel disseisin against him that is found tenant after the disseisor.

est ensement à la ou enauaunt ces houres damages ne furent agardez en ple de mort de auncestre fors en cas la ou tenement feust recouere vers chief seygn' q desoremes damages seient agardez en tuz cas ou em recoure par assise de mort de auncestre si com est auauntdit en assise de nouele deseisine. En mesme la manere recoure lem damages par bref de Cosinage del Ael ou de Besael. C. Et seit desoremes en mesme la manere cheskun tenu a rendre damages la ou om recoure ver lui de sa entrusion ou de son C. E si enfaunt dedenz age seit tenu hors fez demeyne. de son heritage apres la mort son Cosin Ael ou Besael par quei il couengne q il prchace bref e son addisaire viengne en Court e en responaunt alegge fessement ou autre chose par quei Justices agardent enqueste la ou enqueste fust delaie iesqes al age si passe ore lenqueste ausi com il fu de age. Establi est ensement q si home aliene tenement q il tient par la lei de Englete son fiz ne seit pas barre par le fet son piere par qi nul heritage ne li est decendu a demaunder e recouerer par bref de mort dauncestre la seisine sa mere tut face la chartre son piere mencion q lui * ses heirs seient tenuz a la garauntie. E si heritage lui seit decendu p son piere, donke seit il forclos de la value del heritage q lui est decenda. E si entens apres heritage lui decent par mesme le piere, donk auera le tenaunt vers lui recouerir de la seisine sa mere par bref de iugement à istra des roules des Justices deuaunt les queus le plai fu plede e resomoundre son garaunt si com ad este fet en autre Cas ou le garaunt vint en curt e dit q rien ne lui est decendu de lui par qi fet il est vouche. C. En mesme la manere le issue del fiz par bref del Ael Cosin e del Besael. Ensement en mesme la manere ne seit le heyr la femme apres la mort le piere e la miere barre de action par la Chartre son piere sil demaunde le heritage ou mariage la mere par bref de entre à son piere entens sa mere aliena dont nule fin est

 $^{^1}$ Other MSS, have here a clause giving costs where damages are recovered. See $\it Stat.\,Realm.\,L.\,p.$ 47.

It is provided also, that where before this time damages were not In Mortd'ancestor awarded in a plea of Mortd'ancestor (except in case where the tenement was recovered against the chief Lord) that from henceforth damages be awarded in all cases where a man recovers by Assise of Mortd'ancestor, as before said in assise of Novel dissessin. And in the same way, that damages be recovered by writ of Cosenage, Aiel, and Besaiel.

Cosenage, &c.

And that every person from henceforth be bound in the same way to render damages, where one recover against him on his own intrusion, or his own act.

II. And if a child under age be kept out of his heritage after the No delay for non-age of the death of his cousin, grandfather, or great grandfather, whereby it bedemandant comes necessary for him to purchase a writ, and his adversary come into court, and in answering alleges a feoffment, or other thing, whereupon the Justices award an inquest; whereas the inquest was deferred unto the full age [of the infant], now the inquest shall pass as if he were of age.

III. It is established also, that if a man alien a tenement, that he Alienation by holds by the law of England, his son be not barred by the deed of his curtesy voil father, from whom no inheritance descended to him, from demanding and recovering by writ of Mortd'ancestor, the seisin of his mother, although the charter of his father mention, that he and his heirs should be bound to warranty. And if any inheritance descend to him from his father, then that he be barred from the value of the inheritance that has descended to him. And if in time after, any inheritance descend to him by the same father, then the tenant shall have recovery against him of the seisin of his mother by writ of judgment that shall issue out of the rolls of the Justices, before whom the plea was pleaded, and resummon his warrantor, as has been done in other cases where the warrantor comes into court, and says, that nothing descended to him from him by whose deed he is vouched.

And in like manner that the issue of the son [recover] by writ of Aiel, Cosenage, and Besaiel. Also that in like manner the heir of the wife be not barred of action after the death of the father and the

leuee en la Court le Rey. C. Ensement si home lest sa tere a ferme ou a trouer estouer ou viure ou vesture q amon a la quarte partie de la verreye value de la tere e celui q tient la tere issint charge la lesse gisir frische issi à lem ni pusse trouer destresce par deus aunz ou treis saunz fere la ferme rendre ou saunz fere ceo d est contenu en le escrit de les, establi est à apres les deus aunz passez eit le lessur action a demaunder la tere en demeine q il auera par bref en la Chauncelerie. E si celui ver qi la tere est demaunde viengne auaunt iugement e rende les arrerages e les damages e treoue seurte tele com la Court verra q seit suffisaunt a rendre en apres ceo q est contenu en le Escrit si il retiengne la tere e si il demeort desqe ataunt A ele seit recouere par iugement, si seit encoreue a remenaunt. Ensement purueu est à lem eit desoremes bref de Wast en la Chaucelerie fet de ceo q home qi tient par la lei de Engletere ou en autre manere a terme de vie ou a terme daunz ou femme en douayre e celi qi serra ateint del Wast si pde la chose qil ad Wastee e estre ceo face le gre del treble de ceo q le Wast serra taxe. C. Endreit de wast fete en garde seit fet solom ceo q il contenu en la graunt chartre e par la ou il est contenu en la chartre q celui q auera fet Wast en garde pde la garde; acorde e q il rende al heyr les dammages del Wast si il ne seit à la garde pdue ne soffise mie a la value des damages auaunt le age del heyr de mesme la garde.

Purueu est ensement à si home meort e cit plusors heyrs dont le vn est fiz ou fille frere ou seor neuou ou niece e les autres seient en plus loingtein degre les heyrs eyent desoremes recouerir par bref de la Chauncelerie de mort de auceste.

Ensement si feme vent ou doune en fee ou a terme de vie tenement q ele tiet en douayre; establi est q le beyr ou autre a ki la tere deuereit restir apres le deces la femme eit meintenaunt son recouerir a demaunder la tere par bref de entre fet de ceo en la Chauncelerie. mother, by the charter of his father, if he demand by writ of entry the inheritance or marriage [portion] of the mother which his father aliened in the time of his mother, whereof no fine was levied in the King's Court.

IV. Also if a man let his land to farm, or to find estovers, whether Remedy by food or raiment, amounting to the fourth part of the true value of the a tenant in land, and he who holds the land so charged lets it lie uncultivated, so that fee-farm. the party can find no distress there by the space of two or three years. without [the farmer] paying the rent or doing as is contained in the writing of the lease; it is established, that after the two years have passed, the lessor have an action to demand the land in demesne, which he shall have by a writ in the Chancery. And if he against whom the land is demanded come before judgment, and pay the arrears and the damages, and find surety (such as the Court shall think sufficient) to pay from thenceforth as is contained in the writing, that he keep the land. And if he tarry until it be recovered by judgment, that he be barred for ever.

V. It is provided also, that from henceforth a man have a writ of Action of wasts waste in the Chancery made thereupon against him who holds by the law of England, or otherwise for term of life, or for term of years, or a woman in dower. And that he who shall be attainted of waste, lose the thing that he has wasted, and moreover give as compensation treble what the waste shall be assessed at.

And in respect of waste made in the wardship, that it be done as is contained in the Great Charter. And where it is contained in the Charter, that he who shall have committed waste in a wardship, lose the wardship, it is agreed that he render to the heir damages for the waste, if it be that the lost wardship do not amount to the value of the damages before the age of the heir of the same wardship.

VI. It is provided also, that if a man die, having many heirs, of One Writ of whom one is son or daughter, brother or sister, nephew or niece, and Morid ancestor for divers the others be in a further degree, the heirs recover from henceforth by heirs. writ of Mortd'ancestor out of Chancery.

VII. Also if a woman sell or give in fee, or for term of life, the tene- Writ of entry ment that she holds in dower; it is ordained, that the heir, or other to in case provise on alternation whom the land ought to revert after the death of the woman, have his of dower. present recovery to demand the land by a writ of entry made thereof in the Chancery.

Purueu est ensement à viscontes pledent en Countiez les plez de trespas ausi com il solient estre pledez. E à nul desoremes eit bref de trespas deuaunt Justices sil na fie par fey q les biens emportiez vaillent quaraunte souz al meins. E si il se pleint de baterie a fie par fei à sa pleinte est C. De playes e de mahains eit om bref si com om soleit e graunte est à les defendaunz puissent desoremes fere aturnez en tiels plaiz ou apel nest issi à sil seient ateinz del trespas en lour absence seit maunde al visconte à il seient pris e eient donke la peine à il auereient sil eussent este fisent quant le iugement fu rendu. pleintifs desoremes en tiel trespas se facent essonier apres la premere aparaunce seit iour done ieske a la venue des Justices e les defendaunz en dementers seient en pees en tiels plez e en autes plez la ou attachemenz e destresces gisent. E si le defendaunt se face essonier de suise le Rey e ne porte son garaunt al iour à est done a son essoneur à il rende al plentif les damages de la iourne de vint souz ou de plus solom la descrecion des Justices e ialemeins en la greue fiici le Rey.

Le Rey comaunde q nul bref de la Chauncelerie seit graunte de mort de home de enqre si houme ocie autre par mesauenture ou sei defendaunt ou en autre manere par felonie mes si tiel seit en prison e deuaunt Justices erraunz ou Justices assingnez a Gaoles deliuer⁹ si mette en pais de bien e de mal e lem troesse par pais q il eit fet sei defendaunt ou par mesauenture donke par record des Justices face le Rey sa grace si lui plest.

Cum il seit contenu en lestatut le Rey q ore est q deus parceners ou deus q tienët en comune ne puissent fourcher par assoingne del oure qil auerunt vne feiz apparu en Court; purueu est q mesme ceo seit garde e tenuz ou houme e sa femme sont enpledez en la Court le Rey.

Purueu est ensement en la Cite de Londres q si houme baud son tenement a ême de aunz e celui a qi le fraunk tenement est se face enpleider par collusion e face defaute

VIII. It is provided also, that Sheriffs plead pleas of trespass in In what court County-courts, as they have been accustomed to be pleaded. And that trespass shall none from henceforth have writ of trespass before justices, unless he swear by his faith, that the goods affected are worth forty shillings at the least. And if he complain of battery, he swear by his faith, that his plaint is true.

Touching wounds and maims, that a man have a writ as he was wont Defendants to have it. And it is granted, that the defendants henceforth in such attorneys. pleas may make attorneys, where appeal does not lie, so that if they be attainted of the trespass in their absence, the Sheriff be commanded to take them, and they have then the penalty which they would have had, if they had been present when the judgment was given.

And if the plaintiffs from henceforth in such trespasses cause them- plaintiffs and selves to be essoined after the first appearance, that a day be given defendants. them until the coming of the Justices, and the defendants in the mean time be in peace in such pleas, and in other pleas where attachments and distresses lie. And if the defendant essoin himself of the King's service, and do not bring his warrant at the day that is given to his essoiner, that he render the plaintiff damages for his journey twenty shillings or more, according to the discretion of the justices, and further be in the heavy mercy of the King.

IX. The King commands that no writ be granted out of the Chancery No Writ out of Chancery in for the death of a man, to enquire whether one man kill another by misadventure, or in his own defence, or in any other manner feloniously; but if such be imprisoned and [be brought] before the Justices in eyre or justices assigned for gaol-delivery, if he put himself upon the country for good and evil, and it be found by the country, that he did it in his own defence, or by misadventure, then on the record of the justices the King will grant him his grace, if it please him.

ertein o of homicide.

X. Whereas it is contained in the statute of the King that now is, that two parceners, or two that hold in common, may not fourch by essoin, after that they shall have once appeared in court; it is provided that the same be observed and kept, where a man and his wife are impleaded in the King's Court.

XL It is provided also, in the city of London, that if any man lease Feigned his tenement for term of years, and he to whom the freehold belongs, cause himself to be impleaded by collusion, and [make default

recovery in London against

apres defaute viengne en Curt e voille rendre pur fere le fermer pdre son terme e le tenaunt eit querelee issi q le termer puisse auer recouerir par bref de couenaunt; le Meyre e les baillifs puissent enquere par bon visne en la psence le l'm e del demaundaunt le quel le demaundaunt pleida par dreit qil aueit ou par collusion ou par fraude pur fere le termer perdre son terme. E si troue seit par enqueste q le demaundaunt meust son plai par bon dreit qil aueit si seit le iugement furny maintenaunt. E si troue seit qil pleidast par fraude pur tolir le l'me al l'mer le execucion del iugement pur le demaundaunt seit sospendu iesqes apres le l'me passe. En mesme la manere seit fet equite en tiel cas deuaunt Justices si le termer le chalenge auaunt le iugement.

Purueu est ensement à si houme enpleide de tenement en mesme la Citee vouche forein a garaunt q il viengne a la Chauncelerie e eit bref a somoundre son garaunt a certein iour deuaunt les Justices del Baunk e vn autre bref al Meyre & as baillis de Londres q il soursesent de la parole q est deuaunt eus par bref iesqes ataunt q la parole de la garauntie seit ^omine deuaunt les Justices del Baunk. E qent la parole al Baunk fra fmine e fra dit al garaunt q il voist en la Citee e respoingne del chief plai e le demaundaunt par sa suite eit bref des Justices del Baunk al Meyre & as baillifs q il voisent auaunt en le plai. E si le demaundaunt recoure ; viengne le tenaunt as Justices del Baunk e eit bref al Meyre e as baillifs à si le tenaunt eit sa tere perdue à il facent estendre la tere e retournent lestente al Baunk a ctein iour e apres seit maunde al visconte del pays ou le garaunt fu somons à il lui face auer de la tere le garaunt a la vaillaunce.

Purueu est ensement q del houre q le plai serra meu en la Cite de Londres p bref le tenaunt ne eit pas poer de fere Wast ne estreppement del tenement q est demaude pendaunt le plai e ceo facent le Meyre « les baillifs garder a la suite le demaudaut. E mesme le ordeinement e estatut seit garde en autres Citees « Burgs « ailleurs par tut le reaume. C. Le Rey

after default, or come into the Court, and wish to give it up, to make the termor lose his term, and the tenant make this contention, that the termor can have recovery by writ of covenant, the Mayor and Bailiffs may inquire by a good venue, in the presence of the termor and the demandant, whether the demandant pleaded by right that he had, or by collusion, or by fraud, to make the termor lose his term. And if it be found by the inquest, that the demandant moved his plea upon good right that he had, that judgment be given forthwith. And if it be found, that he impleaded him by fraud, to take the term from the termor, then that the execution of the judgment for the demandant be suspended until the term be expired. In like manner that equity be done before the justices in such case, if the termor claim it before judgment.

XII. It is provided also, that if a man, impleaded for a tenement in vouching a the same city, vouch a foreigner to warranty, that he come into the London. Chancery, and have a writ to summon his warrantor at a certain day before the justices of the Bench, and another writ to the Mayor and Bailiffs of London, that they surcease from the plea that is before them by writ, until the plea of the warranty be determined before the justices of the Bench. And when the plea at the Bench shall be determined, the party warranted shall be commanded to go into the city, and answer to the chief plea. And that the demandant by his suit have a writ of the justices of the Bench to the Mayor and Bailiffs, that they proceed in the plea. And if the demandant recover, that the tenant come before the justices of the Bench, and have a writ to the Mayor and Bailiffs, that if the tenant have lost his land, they cause the land to be valued, and return the extent at a certain day into the Bench, and after that it be commanded to the Sheriff of the district where the warrantor was summoned, that he cause him to have of the land of the warrantor to the value.1

XIII. It is provided also, that after such time as the plea shall be Waste moved in the City of London by writ, the tenant have no power to make pending rue in London.

nding suit

See Liber Custumarum. Lond. Vol. II., pt. I., p. 169-177 as to the correction of this article.

graunte as Citeins de Loundres q la ou auaunt ces houres ceaus q furent deseisis de fraunk tenement en mesme la Citee ne poerent recouerir lour damages auaunt la venue des Justices a la Tour; q ces deseisis desoremes eient lour damages par la reconisaunce del assise par la quele il recoueront le tenement e les deseisors seient amerciez deuaunt deus Barons del Escheker qi vne fiez par an vendront en la Citee pur ceo fere. E ceo seit maunde al Tresurer & as Barons qil facent cheskon an par deus de eaus apres lour leuer de la Chaundeloure e les afficiemenz par somonse del Escheker seient leuez e al eos le Rey al Escheker liuerez.

Purueu est ensement q le Meyre « les baillifs auaunt la venue de ces Barons enq^erront des vins venduz encontre le assise e le psenteront deuaunt eaus a lour venue. E donke seient amerciez la il soleient atendre la venue des Justices. Donce a Glouc le dimenge pchein apres la feste seint Piere a la Goule de Aust lan auauntdit.

any waste or estrepement of the tenement in demand, pending the plea; and that the Mayor and Bailiffs cause it to be kept at the suit of the demandant. And that the same ordinance and statute be observed in other cities, and burghs, and elsewhere throughout the realm.

EXIV. The King grants unto the citizens of London, that whereas Damages on disseisins in heretofore they that were disseised of freehold in the same city London. could not recover their damages before the coming of the justices to the Tower, that from henceforth the disseisees have their damages by recognition of the assise whereby they recovered the tenement, and the disseisors be amerced before two Barons of the Exchequer, who shall come once a year into the city to do it. And that it be commanded to the Treasurer and the Barons, that they do this every year by two of them after their Candlemas rising. And that the amercements by summons of the Exchequer be levied, and be delivered to the King's use, at the Exchequer.

XV. It is provided also that the Mayor and Bailiffs before the coming Wines sold in of these Barons, enquire of wines sold contrary to the assise, and make contrary to presentment before them at their coming and then that they be americad, the assise. whereas they were wont to wait the coming of the Justices.

Given at Gloucester the Sunday next after the feast of St. Peter in the gule of August the year aforesaid.

13 EDWARD I. A.D. 1285.

A STATUTE OF MERCHANTS. 1

Forasmuch as merchants, who heretofore have lent their goods to divers persons, have fallen into poverty, because there is no speedy law provided, by which they may quickly recover their debt at the day assigned for payment; and for this cause many merchants have refrained from coming into this land with their merchandise, to the damage of the merchants and of all the realm; the King by himself and by his Council at his Parliament which he held at Acton Burnel, after the feast of St. Michael, in the eleventh year of his reign, made and ordained an Act thereupon for the relief of the merchants; which ordinance and act the King commanded should be firmly kept and observed throughout his realm, whereby the merchants have had relief, and less loss and trouble in recovering their debts, than before they were wont. But forasmuch as the merchants since complained to the King,

The text taken from Statute Roll (Engl.) m. 46d, is printed in Statutes of the ealm. I., p. 98. See Writ (p. 46), 13th year, commanding observance of this Statute in Ireland.

Merchant

that the Sheriffs misinterpreted his statute, and sometimes by malice and false interpretation delayed the execution of the statute, to the great damage of merchants; the King at his Parliament at WestForm of acknowledging said statute made at Acton Burnel to be rehearsed; and for the destatute claration of certain articles of his statute aforesaid, has ordained and established that a merchant who wishes to be secure of his debt, cause his debtor to come before the Mayor of London, or before another chief warden of a town, or of another good town, where the King shall appoint, and before the Mayor or chief warden, or other sufficient man chosen and sworn thereto, when the Mayor or chief warden cannot attend, and before one of the clerks that the King shall thereto assign, when both cannot attend, to acknowledge the debt and the day of payment; and that the recognizance be enrolled by the hand of one of the clerks aforesaid, who shall be known, and that the roll be double, whereof one part shall remain with the Mayor or chief warden, and the other with the clerk that thereto shall be first named; and further, that one of the said clerks with his own hand make a writing obligatory, to which writing the seal of the debtor shall be put, with the King's seal provided for the same; which seal shall be of two pieces, whereof the greater piece shall remain in the custody of the Mayor, or the chief warden, and the other piece in the hand of the aforesaid clerk. And if the debtor do not pay at the day limited to him, if the merchant come to the Mayor and clerk with his bill obligatory; and if it be found by the roll or by the bill, that the debt was acknowledged, and that the day assigned remedy if debt, be passed, that the Mayor or chief warden cause the body of the debtor be not paid.

to be taken (if he be a layman) whenever he be found in their jurisdiction, and commit him to the prison of the town, if there be a prison, and that he remain there at his own costs, until he has made satisfaction for the debt. And it is commanded that the keeper of the town

Creditor's

Certificate of the Statute into Chancery.

Within what time debtor may sell his

prison retain him upon the delivery of the Mayor or warden; and if he will not receive him, that the keeper of the prison straightway answer for the debt, if he have whereof; and if he have not whereof, that he who committed the prison to his keeping answer. And if the debtor cannot be found within the jurisdiction of the Mayor, or chief warden, then that the mayor or chief warden send to the Chancellor, under the King's seal aforesaid, the recognizance made of the debt; and the Chancellor direct a writ to the Sheriff, in whose bailiwick the debtor shall be found, that he take his body (if he be a layman) and keep him in safe prison until he has made some satisfaction for the debt; and within a quarter of a year after he shall be taken, that he have his chattels and his lands delivered, so that out of his own he may levy and pay the debt; and that it be lawful for him, during the quarter, to sell his lands and tenements for the discharge of his debts, and his sale shall be good and valid. And if he do not make satisfaction before the end of the quarter, that all the goods of the debtor and all his lands by reasonable extent, be delivered unto the merchant to hold them until the debt shall be fully levied; and nevertheless that the body remain in prison as aforesaid, and the merchant find him bread and water; and the merchant have such seisin in those tenements delivered unto The merchant's and the merchant have such seisin in those tenements convered unwelletor's lands. him or his assignee, that he can bring a writ of Novel disseisin, if he be put out, and redisseisin also, as of freehold, to hold to him and his assigns until the debt be paid; after the debt is levied and paid, that the body of the debtor be delivered with his land. And in the writ that the Chancellor shall issue, mention be made, that the

Sheriff is to certify the Justices of the one Bench or of the other, how he has performed the King's commandment, by a certain day, at which day that the merchant sue before the justices, if satisfaction be not made him; and if the Sheriff do not return the writ, or do return that the writ came too late, or that he directed it to the bailiffs of some franchise, that the Justices do as it is contained in the last Statute of Westminster. And if, in case the Sheriff return that the debtor is not found, or that he is a clerk, that the merchant have a writ to all the Sheriffs where he shall have land, that they deliver unto him all the chattels and tenements of the debtor by reasonable extent, to hold unto him and his assigns in the form aforesaid; and nevertheless he have a writ to what Sheriff he will, to take his body (if he be a layman) and to hold it in manner aforesaid. And let the keeper of the prison take heed, that he will have to answer for the body, or for the debt. And after the debtor's lands shall be delivered to the merchant, it shall be lawful for the debtor to sell his land, so that the merchant have no damage of his approvements; and saving always to the merchant his damages, and all necessary and reasonable costs of his labours, suits, delays, and expenses. And Debtor's if the debtor find pledges who acknowledge themselves to be principal sureties debtors, after the day limited, let it be done to the pledges in everything as is said of the principal debtor, as to the arrest of body, delivery of lands, and other things. And when the lands of the debtors shall be delivered unto the merchant, that he have seisin of all the lands that were in the hand of the debtor the day on which the recognizance was made, into whose hand soever they shall afterwards have come, either by feoffment, or otherwise. And after the debt has been paid, that the lands granted away by the debtor by feoffment return back to the feoffee, as the other lands to the debtors. And if the debtor or pledge Merchant to die, that the merchant be not able to recover by taking the body of have the land the heir, but by his lands, as beforesaid, if he be of age, or when he shall of the heir. be of age.

And that a seal be provided, to serve for fairs, and this seal shall be A seal for fairs. sent to every fair under the King's seal by a sworn clerk. And that by the keeper of the fair and the community of merchants, two lawful merchants of the city of London be chosen, who shall make oath, and the seal be opened before them, and the one piece be delivered unto the aforesaid merchants, and the other remain with the clerk; and before them, or one of the merchants (if both cannot attend) the recognizances be taken, as beforesaid. And before any recognizance be enrolled, that the penalty of the statute be openly read before the debtor; so that at another time he cannot say that any put another penalty than that whereto he bound himself. And to provide the costs Duty to the of the said clerk, the King shall take of every pound a penny, in every King on a town where the seal shall be, except fairs, where he shall take three half. pennies of the pound. This ordinance and act the King wills to be observed from henceforth throughout his realm of England and of Ireland, This Act not to between any that will of their own accord make such recognizances, extend to Jews except Jews, to whom this ordinance extends not. And that by this Writ of Debt act the writ of debt be not abated; and that the Chancellor, the not abated. Barons of the Exchequer, Justices of the one Bench and of the other, Chancellor, and Justices in eyre, be not estopped from taking recognizances of Justices, &c., debts from any who wish to make such before them, but that the execu- may take debts from any who wish to make such before them, but that the executions of recognizances made before them shall be not done in the form as heretofore. aforesaid, but by the law and usage and in the manner elsewhere provided in another statute.

13 EDWARD I. A.D. 1285.

[RED BOOK OF THE EXCHEQUER IN IRELAND, FOL. 97-119].

Statuta dni Regis Edwardi fit Regis henr' fca apd Westm ad

Pascha anno r sui Cciodecimo.

YUM nuper dominus ñr Rex in quindena sancti Johannis Baptiste anno Regni sui sexto conuocatis Prelatis Comitiba Baroniba & consilio suo apud Gloucestriam quia plures de regno suo exheredacionem paciebant^r eo qd in multis casiby vbi remedium apponi debuit prius no fuit p pdecessores suos aut ifm remedium provisum; quedam statuta populo suo valde necessaria e vtilia ediderit p que populus suus Anglicanus & Hibernicus sub suo regimine gubernatus, celeriorem iusticiam q. prius in suis oppressionib3 consecut' est. quidam casus in quib3 lex deficiebat remanserint indefminati quedam eciam ad reprimend oßssione populi remanserint statuenda; Dominus Rex in parleamento suo post Pascha anno Regni sui terciodecimo apud Westmonastiū multas oppsiones populi & legu defectus ad supplecionem dcoz statutoz apud Gloucestr editor recitari fecit statuta edidit ut patebit in sequenti.

De tenementis datis sub condicione.

Inprimis de tenementis que multociens dant sub condicione videlicet cum aliqⁱs dat terram suam alicui viro e eius uxori e heredib3 de ipis viro e muliere pceatis adiecta condicione expssa tali, que si hui²modi vir e mulier sine herede de ipis viro e muliere procreato obissent, terra sic data ad donatorem vel ad eius heredem rettat. In casu eciam cum quis dat tenementu in liberum maritagiu quod donu habet codicone annexam licet no exprimat in Carta doni que talis est que si vir e mulier sine herede de ipis procreato obierint, ten sic datum ad donatorem vel ad eius herede rettatur. In casu eciam cum quis dat tenementu alicui e heredib3 de corpore

¹ See writ (p. 46) 13th year, commanding observance of this statute in Ireland. It was re-enacted for Ireland by statute in a Parliament held in Dublin, 13 Edward II., cap. 2.

13 EDWARD I. A.D. 1285.

THE STATUTES OF WESTMINSTER (THE SECOND).

STATUTES OF THE LORD KING EDWARD, SON OF KING HENRY, MADE AT WESTMINSTER AT EASTER IN THE THIRTEENTH YEAR OF HIS REIGN.

Whereas of late the lord the King, in the quinzaine of Saint John the Baptist, in the sixth year of his reign, having called together the Prelates, Earls, Barons, and his Council at Gloucester, and considering that divers of his realm were disherited, by reason that in many cases, where remedy should have been applied, there was none provided by his predecessors, or himself, ordained certain statutes, very necessary and profitable for his people, whereby his people, English and Irish, subject to his rule, have obtained more speedy justice in their oppressions, than they had before; and certain cases, wherein the law failed, remained undetermined, and some things remained to be enacted, to restrain the oppression of the people: the lord the King in his Parliament, held after Easter, in the thirteenth year of his reign at Westminster, caused many oppressions of the people and defaults of the law, for the supplementing of the said statutes made at Gloucester, to be rehearsed, and provided statutes, as shall appear here following.

I. First, concerning tenements that many times are given upon con- of tenements dition, for instance, where anyone gives his land to any man and his given upon condition. wife, and to the heirs begotten of the same man and woman, with such condition expressed that if such man and woman die without heir of the same man and woman begotten, the land so given shall revert to the donor or his heir. In case also where one gives a tenement in frank marriage, which gift has a condition annexed, though it be not expressed in the deed of gift, which is such, that if the husband and wife die without heir begotten of them, the tenement so given shall revert to the donor or his heir. In case also where one gives a tenement to another and the heirs of his body issuing; it seemed hard, and yet seems, to such donors and

suo exeütiba durum videbat" * adhuc videtur donatoriba hui?modi & heredib3 donatos qd voluntas ipos in donis suis expssa no fuit prius nec adhuc obsuata. In omibz ecia predcis casib3 post prolem suscitatam € exeuntē ab ipis quib3 teñ sic fuit datum condicionaliter hucusq habuerunt hui⁹modi feoffati potestatem alienandi teñ sic datum € exheredandi exitum iños conte voluntatem donatos e formam in dono suo expressam. Et prefea cum deficiente exitu de hui^omodi feoffatis ten sic datum ad donatorem vel ad eius heredes redti debuit p formam in Carta de dono hui?modi exβssam licet exitus si quis fuit obisset, p fcm * feoffamentū eoz quibz teñ sic fuit datum sub condicione exclusi fûint hucusq de refisione eoxdem ten quod manifeste fuit conte formam sui doni pp? quod dns Rex ppendens qd nccam * vtile est in Bacis casiba appose remediu, statuit qd voluntas donatoris scom formam in Carta doni sui manifeste expasam, decelo obsuetur ita qd no heant illi quibz ten sic fuit datum sub condicione potestatem alienandi teñ sic datum qomin9 ad exitum illoş quib3 teñ sic fûit datum remaneat post eoş obitum vel ad donatorē vel ad eius heredes si exitus deficiat p hoc qd nullus exitus sic omnino vel si aliqis exitus filit p mortem deficiet herede hui?modi exitus deficiente. Nec heat decetero scds vir hui9modi mulieris aliquid in ten sic dato p condicom post morte uxoris sue p legem Angt. exitus de scdo viro * muliere successione hereditariam set statim post mortem viri * mulieris quib3 ten sic fuit datum post eoş obitum ad eoş exitum vel ad donatorē vel ad eius heredem vt pacm est refitat. Et quia in nouo casu nouū remediū est apponend fiat impetranti tale breue. Precipe A. qd iuste ec reddat B. tale maneriu cum ptin qd C. dedit tali viro e tali mulieri e heredib; de ipis viro e muliere exeuntib; vel qd C. dedit tali viro in liberum maritagiu cum tali muliere e qd post mortem pacos viri e mulieris Baco B. filio Bacos viri & mulieris descendere debet p formam donacois Bace ut dic vel qd C. dedit tali & heredibz de corpore suo exeuntib3 et qd post mortem ipius talis paco

their heirs, that their will expressed in their gifts, was not heretofore, nor yet is observed; in all the cases aforesaid, after issue begotten and issuing from them, to whom the tenement was so given conditionally, heretofore such feoffees had power to alien the tenement so given, and to disinherit their issue of the tenement, contrary to the will of the donors, and to the form expressed in the gift. And further, on failure of the issue of such feoffees, the tenement so given ought to return to the donor, or his heirs, by form expressed in the deed of gift, though the issue, if any there were, had died; by the deed and feoffment of those, to whom the tenement was so given upon condition, [the donors] have heretofore been barred of their reversion, which was manifestly repugnant to the form of their gift; wherefore the lord the King, perceiving how necessary and expedient it is to provide In such gifts, remedy in the aforesaid cases, has ordained, that the will of the donor, shall be according to the form in the charter of his gift manifestly expressed, be observed. from henceforth observed; so that they to whom the tenement was given under condition, have no power to alien the tenement so given, but that it remain to the issue of those to whom it was given after their death, or revert to the donor or his heir, if issue fail by reason that there is no issue at all, or if there be any issue it fail by death, the heir of such issue failing. Nor that the second husband of such woman, from henceforth, have any thing in the tenement so given upon condition, after the death of his wife, by the law of England, nor the issue of the second husband and the wife succeed in the inheritance, but immediately after the death of the husband and wife, to whom the tenement was so given, after their death it come to their issue, or revert to the donor, or his heir, as before is said.

And forasmuch as in a new case a new remedy must be provided, Writs of let this manner of writ be granted to the party seeking it; Practipe A. Postender. quod juste, &c., reddat B. tale manerium. cum pertinentiis, quod C. dedit tali viro & tali mulieri, & haeredihus de ipsis viro & muliere exeuntibus (or thus): -Quod C. dedit tali viro in liberum maritagium cum tali muliere, & quod post mortem praedictorum viri & mulieris, praedicto B. filio praedictorum viri & mulieris descendere debet per formam donationis praedictae, ut dicit, (or thus):-Quod C. dedit tali & haeredibus de corpore suo exeuntibus, & quod post mortem ipsius talis, praedicto B.

B. filio paci talis descendere debet p formam ec. Breue p quod donator habet recupare suu deficiente exitu satis est in usu in Cancellar. Et sciend est qd hoc statutu quo ad alienacom tenementi contra formam doni imposteru facienda locu habet e ad dona pi fca no extendit. Et si finis sup hui modi ten imposteru leuet, ipo iure sit nullus nec habent heredes aut illi ad quos spectat refisio, licet plene sint etatis in Angl e extra pisonam necesse appose clamiu suu.

De pone ad peticionem defendentis.

Quia dni feodos distringentes tenentes suos p sviciis sibi debitis multociens genantur p hoc qd tenentes sui districtom suam p bre ut sine bri replegiatint ac ipi dni cu ad querimoniam tenenciū suos ad Comitatū vel ad aliam Curiam habentem potestatem placitandi placita de vetito namio p attachiamentu veffint e racionabilem e iustam districtom aduocasiint p hoc qd tenentes deaduocant nichil tenere nec clamare tenere de eo qui districtom fecit * aduocauit remanet qui distinxit in mia & tenentes sui quieti quibz p illa deaduocacone p recordū Com siue aliaz Curiaz que recordū no habent pena infligi no potest, decelo puisum est & statutu ad cum hui⁹modi đni in Com ut in hui⁹modi Cur justiciam de huiºmodi tenentib; suis consequi no possint q. cito attachiati fuerint ad sectam tenenciū suoz concedatr eis breue ad ponendu loquelam coram Justic coram quiba e non alibi iusticia hui⁹modi duis exhiberi polit. Et inseratur causa in breui, Quia talis distinxit in feodo suo p souicio e consuetud sibi debitis nec p istud statutū derogatr legi cõi vsitate que no pmisit placitum aliquod poni coram Justic ad peticom defendentis quia licet prima facie videat' tenens actor & dis defendens hito tamen respectu ad hoc, qd dns distingit e seqitr p suicio e consuetudine sibi a retro existentiba reali? pocius. apparebit actor sive querens q. defendens. Et vt in cto sint Justic de qua recenti seisina polut dni aduocare ronabilem districtom sup tenentes suos; decelo concordatu est qd ronabit districto polit aduocari de seisina antecessor vel pdecessos suos a tepe quo breue noue dissie currit. C. Et quia aliquando contingit qd cum tenens postq i replegiauerit adia sua

filio praedicti talis descendere debet per formam, &c. The writ whereby the donor has his recovery on failure of issue, is well in use in the And it is to be understood that this statute shall hold place as to an alienation of a tenement contrary to the form of the gift hereafter to be made, and shall not extend to gifts made before; and if a fine be levied hereafter upon such tenement, that it be void in the law, A fine shall not bar the heir nor have the heirs, or they to whom the reversion belongs, though in tail. they be of full age, within England, and out of prison, need to make their claim.

II. Forasmuch as lords of fees distraining their tenants for services Writ of Pone at due to them, are frequently aggrieved, because their tenants do re- suit of defendant. plevy the distress by writ, or without writ; and when the lords themselves, at the complaint of their tenants, shall have come by attachment to the county [court], or to another court, having power to hold pleas of withernam, and avowed the distraint as good and lawful, by reason that the tenants disavow holding anything, nor claim to hold of him who made the distress and avowed it, he that distrained remains amerced, and his tenants go quit; on whom punishment cannot be inflicted for such disavowal by record of the county, or of other courts not having record; it is provided and ordained from henceforth, that where such lords cannot obtain justice in County or such courts against their tenants, as soon as they be attached at the suit of their tenants, a writ A Recordars be granted to them to remove the plea before the Justices, before whom plaint out of and not elsewhere, justice may be ministered unto such lords. And that the County there be inserted in the writ the cause wherefore such a man distrained in his fee for services and customs to him due; nor by this Statute is the common law in use taken away, which did not permit any ples to be moved before justices at the suit of the defendant; for though it appear at first sight that the tenant is plaintiff, and the lord defendant, nevertheless, having respect to this, that the lord distrains, and sues for services and customs in arrear, he will appear rather to be actor, or plaintiff, than defendant. that the Justices may know upon what fresh seisin the lords may avow the distress reasonable upon their tenants; it is agreed that from henceforth reasonable distress may be avowed upon the seisin of their ancestors or predecessors from the time that the writ of Novel dissession runs. And because it sometimes happens that

e aflia illa vendit e elongat quominus returnu fieri possit dino distringenti si adiudicet^r, puisum est qd vic aut balliui decelo no recipiant a conquerentib; solumo pleg de psequendo anteq. delibacom faciant de afiis set ecia de afiis retornand si adiudicet returnū. Et si quis alio modo plegios recepit, respondeat ipe de pcio affioz e heat dus distingens recupare p bre qd reddat ei tot adia uel tot catalla. Et si no heat balliuus vnde reddat, reddat supior suus. C. Et quis aliqñ contingit qd postq adiudicatum ffiit distingenti returnū afios * sic distictus p'q a aftia sic retornata il'um replegiafiit cum viderit distingente copente in Curia paratum sibi respondere defaltam fečit; ob q i i um adiudicabit distingenti returnū adioz & sic bis tercio & in infinitū replegiabunt adia nec habebūt iudicia Curie đni Regis in hoc casu effcm sup quo no fuit prius remediū puisum; Ordinat' est in hoc casu talis pcessus qd q cito adiudicatum füit distingenti returnū alios p bre de iudicio mandet^r vic qd returnū hre faciat distⁱngenti de astiis in quo breui que vic ea no delibet sine bri in quo fiat mencio de iudicio p Justiciarios reddito quod fieri no polit nisi p bre quod exeat de rotulis Justiciar coram quibz deducta fuerit loquela. Cum igit adierit Justic e petierit ilum allia replegiari, fiat ei hoc bre de iudicio, qd vic capta securitate de psequend & eciam de adiis uel catallis retornand uel eoz pcio si adiudicet^r returnu, delibet ei adia vel catalla prius retornata e attachietr ille qui distinxit ad veniendu ad ctum diem coram Justič corā quibz placitum deducat^r in psencia Et si ilato ille qui replegiadit fecit defalta vel alia occasione adiudicet^r returnū districtionis iam bis repleg remaneat districto illa imppetuu irreplegiabilis set si de nouo e de noua causa fiat districtio de noua districtione suetr pcessus supados.

De ten. quod In casu quando vir amisit p defaltam tenementū quod fuit fuit ius uxoris ius uxoris sue durum fuit quod uxor post mortem viri defaltam viri. sui nō huit aliud recupare q. p bre de recto, pp?

quod dns Rex statuit qd mulier post morte viri sui heat recupare p bre de ingressu cui ipa in vita sua con-

the tenant, after he has replevied his beasts, sells or cloins them, whereby return cannot be made unto the lord that distrained, if it be adjudged : it is provided, that sheriffs or bailiffs from henceforth not only receive from the plaintiffs pledges to prosecute the suit, before they make deliverance of the beasts, but also for the return of the beasts, if return Pledges to be adjudged. And if any shall have taken pledges otherwise, let Replevin. him answer for the price of the beasts, and the lord that distrains have his recovery by writ, that he restore to him so many beasts or cattle: and if the bailiff have not whereof to restore, that his superior restore. And forasmuch as it sometimes happens that after the return of the beasts has been adjudged to the distrainor, and the Replevin of party so distrained, after the beasts are returned, replevies them judgment for again, when he shall see the distrainor appearing in court ready to return answer him, shall make default, whereby return of the beasts ought to be awarded again unto the distrainor, and so the beasts shall be replevied twice or thrice, and infinitely, and the judgments of the King's Court shall have no effect in this case, upon which there was no remedy provided; in this case such process is ordained, that so soon as return of the beasts shall be awarded to the distrainor, the sheriff be commanded by a writ of judgment to make return of the beasts to the distrainor; in which writ it shall be expressed, that the sheriff deliver them not without writ, in which mention is made of the judgment given by the justices, which cannot be done except by a writ which may issue out of the rolls of the justices before whom the plea was moved. Therefore when he comes to the justices, and Writ of second desires replevin of his beasts again, that he have a writ of judg-deliverance. ment that the sheriff taking surety for the prosecution, and also of the beasts or chattels to be returned, or the price of them, if return be awarded, deliver to him the beasts or chattels before returned, and that the distrainor be attached to come at a certain day before the Justices, before whom the plea was moved, in presence of the parties; and if he who replevied make default again, or for another cause return of the Distress irredistress be awarded, being now twice replevied, that distress remain pleviable. for ever irrepleviable; but if a distress be taken anew, and for a new cause, that the process abovesaid be observed in the new distress.

III. In case when a man lost by default the tenement which Of a tenement was the right of his wife, it was hard that the wife, after the wife's right death of her husband, had no other recovery but by a writ of the husband, of right; wherefore the lord the King has ordained, that a woman, after the death of her husband, have recovery by a writ of entry,

tradice no potuit qd in forma Baca erit placitand si cont peticom mulieris tenens excipiat qd huit ingrm p iudiciū * compto qd p defaltam ad quod tenens ncce habet respondere si ab eo querat^r tūc nčče habet ullius ostend⁹e ius suū sodm formam breuis quod prius impeteuit sup virum & vxorem. Et si verificare poterit qd ius habet in tenemento petito nichil capiat mulier p bre suu quod si ostende no polit, recupet mulier ten petitum hoc obsûato qd si vir absentatit se & nolflit ius uxoris sue defendere vel inuita uxore reddere voluerit, si uxor ante iudiciū venerit parata petenti respondere e ius suu defendere admittatr uxor. Eodem modo si tenens in dotem p legem Angi vel aliter ad Pminū vite vel p donū in quo reservat^r refisio fecit defaltam vel reddere voluerit admittant^r heredes & illi ad quos spectat refisio ad responsione si vefiint ante iudiciū. Et si sup defaltam vel reddicom reddatur iudiciū tūc heant heredes & illi ad quos spectat refisio post morte hui?modi teneciu recupe p bre de ingressu in quo suetr idem poessus sicut dom est supr in casu vbi vir amittit p defaltam tenementū uxoris e sic in casib; pdčis due concurrut actiones vna inf petente * tenente * alia inf petentēl ius suū ostendentē & petentem. In casu quando vir implacitat^o de tenemento reddit ten petitu addisario suo de plano post mortem viri Justič adiudicant mulieri dotem suam, si p breue petat set in casu quando vir amittit ten petitū p defaltam, si mulier post morte viri sui petat dotem comptū est qd p aliquos Justic adiudicata fuit dos mulieri petenti no obstante defalta quā vir suus fecit coram aliis Justič in conteria oppinione existentiba e conteria iudicantiba. Vt de celo huiºmodi ambiguitas amputetur sic in êto ordinatū est qd in vtoq casu audiatr mulier qui dotem petit. excipiatr conta ipam qd vir ipius ten vnde dos petita est amisit p iudiciū p quod dotem hre no debet. Et si queratr p quod iudiciū * comptū ftit qd p defaltam ad quod tenens

¹ Tenentem in Statute Roll, England.

whereto she could not disagree during his life, which shall be pleaded in form aforesaid: if the tenant do except against the demand of the wife, that he had entry by judgment, and it be found by default, whereto the tenant of necessity must make answer, if it be demanded of him, then it is necessary for him further to show his right according to the form of the writ that he purchased before against the husband and the wife. And if he can verify that he has right in the tenement demanded, the woman shall take nothing by her writ; which, if he cannot show, the woman shall recover the tenement in demand; this being observed, that if the husband absented himself, and would not defend his wife's right, or against his wife's consent wished to render it, if the wife came before judgment, ready to answer the demandant, and to defend her right, that the wife be admitted. Likewise if tenant in dower, by the law of England, or otherwise for term of life, or by gift, in which the reversion is reserved, made default, or wished to surrender, the heirs, and they to whom the reversion belongs be admitted to their answer if they shall have come before judgment; and if upon such default, or surrender, judgment be given, that then the heirs, and they unto whom the reversion belongs after the death of such tenants, have their recovery by a writ of entry, in which like process shall be observed as is aforesaid, in case where the husband by default loses his wife's tenement; and so in the cases aforesaid two actions do concur, one between the demandant and tenant, and another between the tenant showing his right, and the demandant.

IV. In case where the husband, being impleaded for a tenement, too Wife endoweasily gives up the tenement demanded to his adversary; after the able of land death of the husband, the justices award the wife her dower, if she demand it by writ; but in case where the husband loses the tenement default. in demand by default, if the wife, after the death of her husband, demand her dower, it has been found, that some justices have awarded unto the woman her dower notwithstanding the default which her husband made, other justices being of the contrary opinion, and judging to the contrary; that from henceforth such ambiguity may be taken away, it is thus ordained for certain, that in both cases the woman demanding her dower be heard; and if it be alleged against her, that her husband lost the tenement, whereof the dower is demanded, by judgment, whereby she ought not to have dower, and if it be enquired by what judgment, and it be found that it was by default, whereunto the

ncce habet respondere tuc oportet tenente vilius respondere * ostendere qd ipe tenens ius habuit * habet in bdco ten scdm formā bris quod pis sup virum impetauit. Et si ostendere polit qd vir mulieris no habuit ius in ten nec aliquis alius q. ipe qui tenet tuc recedat quiet? * vxor nichil capiat de dote quod si ostendere no polit, recupet mulier dotem suam. Et sic in casib; istis * in quib;dam sequentib; scilicet quando vxor dotata amittit dotem p defaltam & tenētes in maritagiū p legem Angt & ad Pminū vite & feodū talliatū cocurrūt plures actiones quia huiºmodi tenentes cum opteat eos pefe ten sua p defaltam amissa, * ad hoc puentum füit qd tenens necesse habet ostendere ius suū no possūt ipi sine hiis ad quos spectat refisio de iure respondere e ideo concedit, eis qd vocent ad Warantū ac si essent tenentes si Warantum heant e cū Warantus Warantizadit, poedat placitum inf illum qui seisitus est & Warantū scam tenorē breuis quod tenens prius impetrauit & p quod recupauit p defaltam & aic ex plurib; actioniba ad vltimu puenietur ad vnum iudiciu videlicet ad hoc qd hui'modi petentes recupent peticionem suam vel qd tenentes eant quieti. Et si actio hui modi tenentis qui ncce habet ostendere ius suum mota füit p bre de recto licet magna assisa vel duellum iungi non possunt p verba consueta, iungi tam possunt p verba satis apta, quia cu tenentes in hoc ad ostendunt ius suu quod competit eis p bre quod prius impetessit sic loco actoris bene posit Warant's defendere ius tenentis qui loco petentis vt dem est habetur & seisinam antecessoris sui * offerre * defendere p corpus liberi hominis sui vel poffe se in magnam assisam * pele recognicom fieri vtrum ipe maius ius heat in tenemto petito, an pdcus talis vel alio modo pofit iūgi magna assisa sic, Talis Warant, defed ius ec, e cognoscit seisinam antecessoris sui & ponit se in magnam assisam & petit recognicom fieri vtrum ipe maius ius heat in ten Bdco vt in illo de quo feoffauit tale vel qd talis remisit e quietu clamauit ec an Bdcs talis.

De muliere Cvm aliquando contingat qd mulier no habens ius petendi dotem petente dotem herede aliqui? infra etatem existente impetret bre de custodem.

tenant must answer; then it behoves the tenant to answer further, and to show that he had right, and has, in the aforesaid tenement, according to the form of the writ that he purchased before against the husband. And if he can show that the husband of the wife had not right in the tenement, nor any other than he who holds it, that the tenant go quit, and the wife recover nothing of her dower; which thing if he cannot show, that the wife recover her dower.

And so in these cases, and in certain others following, that is to say, Remedy for when the wife being endowed loses her dower by default, and tenants &c. who lose in marriage, by the law of England, or for term of life, or in fee-tail, default. divers actions concur; for such tenants, when they ought to demand their tenements lost by default, and when it is come to this that the tenant is compelled to show his right, they cannot make answer without those to whom the reversion of right belongs; therefore it is granted unto them to vouch to warranty, as if they were tenants, if they have a warranty. And when the warrantor has warranted, that the plea pass between him who is seised and the warrantor, according to the tenor of the writ that the tenant purchased before, and by which he recovered by default; and so from many actions it comes at length to one judgment, which is this, that such demandants recover their demand, or that the tenants go quit. And if the action of such a tenant, who is compelled to show his right, be moved by a writ of right, though the great assise or duel cannot be joined by the words accustomed, yet they may be joined by words convenient: for when the tenants, in that they show their right which belongs to them, by the writ that they before purchased, [are] so in place of plaintiff, the warrantor may well defend the right of the tenant, who is accounted in place of the demandant as before is said, and offer to defend the seisin of his ancestor by the body of his freeman, or put himself upon the great assise, and pray recognition to be made, whether he have more right in the tenement demanded, or the party before named; or otherwise the great assise may be joined thus: Talis warrantus defendit jus, &c., et cognoscit seisinam antecessoris sui et ponit se in magnam assisam, et petit recognitionem sieri utrum ipse majus jus habeat in tenemento praedicto ut in illo de quo feoffavit talem, vel quod talis remisit et quietum clamavit, &c., an praedictus talis.

And where sometimes it happens that a woman, not having right to Of a woman demanding demand dower, the heir being under age, purchases a writ of dower against a guardian.

tenants for life

dote sup custodem et custos p fauorē mulier dotem reddiderit vel defaltam fecit vel placitū in eos ita ficte p collusionē defendent p quod dos mulieri hui'modi in pudiciū heredis adiudicata fuerit; puisum est qd heres cum ad etatem puesit heat actionem petendi seisinam antecessoris sui uersus hui'modi mulierem qualem hret ilsus alium quēcūq deforciatorē. Ita in qd salua sit mulieri ilsus petentē excepcio ostendendi qd ius heatin dote sua quod si ostendere polit recedat quieta & dotem suam retineat & sit heres in mia & asticiet gauit scam discrecom Justic, sin autē recupet heres peticom suam. C. Eodem modo suet mulieri si heres vel alius eam implacitatit de dote sua si dotem suam p defaltam amiserit in quo casu sua defalta no sit ei ita piudicialis quia dotem suam si ius heat recupare possit & fiat ei tale breue. Precipe A. qd iuste &c, reddat tali que fuit vxor talis tantam terram

De dote amissa per defaltam.

vel de racionabili dote sua et qua pare talis ei deforc. C. Et ad istud bre heat tenens excepcom suam ostendendo qua ius no habet in dote, quod si verificare por it, recedat quietus. Alioquin recupet mulier ten quod prius tenuit in dotem. Et

cum ptiñ in tali villa qua clam esse racionabilem dotem suam

De terra amissa per defaltam. cum tempib3 retroactis aliquis amisisset fra suam p defaltam no huit aliud recupare qa p bre de recto quod eis compete no potuit qui de mero iure loqui no potunt veluti tenentes ad fininu vite vt p liberum maritagiu vel p feodum talliatum in quib3 casib3 saluat recisio; prouisum est qd deceto no sit eos defalta eis ita fiudicialis quin statum suu si i heant recupare possint p aliud bre qa p bre de recto.

De maritagio amisso per defaltam.

C. De maritagio amisso p defaltam, fiat bre tale. Precipe A. quod iuste & reddat B. maneriū tale cū ptiñ quod clam esse ius & maritagiū suū & quod pdcs tat ei iniuste deforc. Eodem modo de tenemento tento ad l'minū vite p defaltā amisso fiat breue. Precipe tali qd iuste & reddat tali mafium & quod clam tenere ad l'minum vite, sue & qd talis ei iniuste & similil qd clam tenere sibi & heredibus suis de corpore suo exeuntib3 et quod talis ei iniuste & .

De aduoca- Cvm de aduocacionib3 eccas no sint nisi tria brenia cione ecclesia- originalia vidett bre de reto e duo de possessione scilicet rum.

against a guardian, and the guardian shall restore the dower of the woman by favour, or shall make default, or by collusion defend the plea so faintly, whereby the woman shall be awarded her dower in prejudice of the heir: it is provided, that the heir, when he shall come to age, have an action to demand the seisin of his ancestor against such a woman, as he should have against any other deforceor; yet so, that the woman have her exception saved against the demandant, to show that she have right to her dower, which if she can show, that she go quit and retain her dower, and the heir be in mercy and be heavily amerced, according to the discretion of the justices; and if not, that the heir recover his demand, &c.

In like manner that the woman be protected, if the heir or any Of dower other implead her for her dower, if she lose her dower by default, lost by default. in which case her default shall not be so prejudicial to her, but that she recover her dower, if she have right, and that she have this writ: Praecipe A. quod juste, &c., reddat tali quae fuit uxor talis tantam terram cum pertinentiis in tali villa quam clamat esse racionabilem dotem suam, vel de racionabili dote sua, et quam praedictus talis ei deforceat. And to this writ that the tenant have his exception, to show that she had no right in the dower; which if he can verify, he shall go quit; if not, that the woman recover the tenement which before she had in dower.

And when in times past, anyone had lost his land by default, he Of land lost had no other recovery than by a writ of right, which was not com- by default. petent to those who could not claim of mere right, as tenants for term of life, in frank marriage, or in fee-tail, in which cases a reversion is reserved; it is provided, that from henceforth their default be not so prejudicial, but that they may recover their estate by another writ than by a writ of right, if they have right.

For land in frank marriage, lost by default, such a writ shall be made: Of marriage -Praecipe A. quod juste, &c., reddat B. manerium tale cum pertinentiis, default. quod clamat esse jus et maritagium suum, et quod praedictus talis ei injuste deforceat. Likewise of a tenement held for term of life, lost by default, For tenant this writ shall be made:—Praecipe tali quod juste, &c., reddat tali for life. manerium, &c., quod clamat tenere ad terminum vitae suae, et quod talis ci injuste, &c.; likewise quod clamat tenere sibi, et haeredibus suis de Fortenant corpore suo exeuntibus, et quod talis ei injuste, &c.

V. Whereas of advowsons of churches there are but three original writs, Of advowson that is to say, the writ of right, and two of possession, namely, darrein of churches.

vltime ßsentacionis & quare impedit & hucusq vsitatum fuerit in regno qd cum aliquis ius no habens psentandi Psentaflit ad aliq^a eccam cuius Psentatus sic admissus ipe qui verus est patronus p nullū aliud bre recupare potuit aduocacom suam q p bre de recto quod habet Pminari p duellum vel p magnam assem p quod heredes infra etatem existentes p fraudem * negligēciā custodum heredes eciam siue maiores siue minores p negligenciam vel p fraudē tenēciū p legem Angt vel mulierū tenenciū in dotem vel alio modo ad ^ominū vite vel annoş vel p feodum talliatum multociens exheredacom paciebant^r de aduocacoib; suis vel ad minus qd melius eis fuit ponebant ad bre de recto e in casu omino exheredati extifint hucusq; statutum est qd hui'modi psentaciones no sint hui'modi rectis heredib; aut illis ad quos post mortem aliquos huiºmodi aduocaciones resti debent ita Biudiciales quin quocienscuq aliquis ius no habens tempe hui'modi custodiaz psentadit, vel tempore tenenciù in dotem vel p legem Angt vel alio modo ad ^ominū vite vi annos vel p feodum talliatum in pxīa vacacone postq heres ad etatem puesiit vel aduocaco post morte in forma Bdca tenenciū ad heredem plene etatis existente refitit; habeat eandem actionem & excepcom p bre de aduocacione possessoriū qualē ħret vltimus antecessor hui⁹modi heredis plenam habens etatem in vltima vacacione tempe suo accidentem ante mortem suam vel anq dimissio fca fuit ad Pminū vel ad feodū talliatum vt ßdčm est, hoc idem obsuetur de Bsentacionib3 fcis ad ecclias de hereditate uxos tempore quo fuerint sub potestate viros suos quibz p istud statutū subueniat^r p remediū supradc̃m viris eciam religiosis Epis Archidis rectoribus eccaş & aliis psonis eccasticis p illud idem statutum subueniat. Si aliquis ius no fins psentandi Bsentaflit ad eccas domibs suis Blacie dignitati aut psonatui spectantes tpe quo vacatint placie dignitates aut psonatus Nec tamen ita large intelligat^r istud statutū qd psone ad quaz remediū statutū istud est editū heant recupare suum supadem dicentes qd custodes tenentes in

presentment, and quare impedit; and hitherto it has been used in the realm, that when any not having right to present, had presented to any church, whose presentee so being admitted, he who is true patron could recover his advowson by no other writ than by a writ of right, which has to be determined by the duel or by the great assise, whereby heirs under age, by fraud, and by negligence of their guardians, and heirs whether of full age or under age, by negligence or fraud of tenants by the law of England, women tenants in dower, or otherwise for term of life, or years, or in fee-tail, many times suffered disherison of their advowsons, or at least, which was the better for them, were put to their writ of right, and in that case hitherto they were utterly disinherited: it is provided, that such presentations be not so prejudicial to the right heirs, or to those to whom such advowsons ought to revert after the death of any persons: for as often as any man not having right, shall have presented during the time that such heirs are in ward, or during the estates of tenants in dower, by the law of England, or otherwise for term of life, or of years, or in tail, at the next avoidance, when the heir shall have come to age, or when after the death of the tenants in form aforesaid, the advowson revert to the heir being of full age, that he shall have such action Writ of and exception by possessory writ of advowson, as the last ancestor of Advowson such an heir, being of full age, should have had at the last avoidance in his time, happening before his death, or before the demise was made for term of life, or in fee-tail, as is beforesaid. The same shall be observed of presentations made to churches, of the inheritance of wives, while they were under the power of their husbands, to whom aid may be given by this statute by the remedy aforesaid. Also that men of religion, bishops, archdeacons, rectors of churches, and other ecclesiastical persons, be aided by this statute, if any not having right of presentation shall have presented to churches, belonging to their houses, prelacy, dignity, or parsonage, while such prelacies, dignities, or parsonages have been vacant.

Neither shall this statute be so largely understood, that persons, for whose remedy this statute was ordained, have their recovery afore-

dotem p legem Angt vel alias ad fminū vite vel annos vel viri ficte defenderunt placitum p ipos vel conta ipos motū quia iudicia in Curia Regis reddita p istud statutū no adnichilent^r set stet iudiciū in suo robore qousq p iudiciū Curie Regis tamq^a erroniū si error inueniat^r, adnullet^r vel assis^a ultie psentacionis vel inquisicio p bre quare impedit si tensierit p attinctam vel ctificaconem adnullet que gratis concedat. Et decelo vna forma placitandi in breuib; vltime Bsentacionis & quare impedit in? Justic obsuetr quo ad hoc qd si pars rea excipiat de plenitudine eccie p suam ppriam psentacom, no ppo illam plenitudine remaneat loquela dūmodo breue infra semestre temp' impetretr qaq infra infra semestre temp? Bsentacio recupari no possit. Et cum aliqn int clamantes plures aduocacom alicuis eccie pax filit formata in partes & inrotulata coram Justic in rotulo vel in fine sub hac forma qd vnus primo psentet et in sequenti vacacione alius, & in Pcia Pcius et sic de plurib; si plures sint. Et cum vnus psentadit e habdit suam psentacom quam fre debet p formam illius conuencionis et in pxia vacacione impediatr ille ad que spectat seques psentacio impediatr p alique qui fuit pars illius conuencionis vel loco eius; statutū est qd deceto no heat hui'modi impedit' necesse pquirere bre quare impedit set heat recursum ad rotulum vel ad finem et si in rotulo vel in fine compta fûit pdca pax vel conuencio, mandetur vič qd scire faciat parti impedienti qd sit ad alique breue diem continētē spacium quindecim diez vel triū septimanaz scâm qd locus est ppinquus vel remotus ostens si quid sciat dice quare talis psentacom suam habere no debeat. venerit vel forte vesit nichil sciat dice quare sic impedit? psentacom suam habe no debeat racione alicui, fci post pacem irrotulatam vel cirogaphatam recupet Beentacionem suam cum dampnis suis. Et cu contingat qd post mortem ancessor qui ad aliquam eccam psentauit assignata fuit illa aduocacio in dotem alicui9 mulieris vel teneatur p legem Angi & tenentes in dotem vel p legem Angi psentatiit & verus heres p't mortem hui'modi tenenciū p legem vel in dotem

said, asserting that guardians, tenants in dower, by the law of England, or otherwise for term of life, or of years, or husbands, have faintly defended pleas moved by them, or against them; because the judgments given in the King's Court are not annulled by this statute, but Judgments shall stand the judgment is to stand in its force, until it be reversed by judgment good until of the King's Court as erroneous, if error be found; or assise of darrein presentment, or inquest by a writ of quare impedit, if it be passed, be annulled by attaint, or certification, which may be freely granted. And Plenarty not to be pleaded that from henceforth one form of pleading be observed among justices if Writ in writs of darrein presentment and quare impedit, in this respect, if the within six defendant alleges plenarty of the church by his own presentation, that months. the plea be not delayed by reason of the plenarty; provided that the writ be purchased within six months, though he cannot recover his presentation within the six months. And sometimes when an agreement Presentation shall have been made between many claiming the advowson of any an agreement. church, and inrolled before the justices in the roll, or by fine, in this form, that one shall present the first time, and at the next avoidance another, and the third time a third; and so of many, in case there be many: and when one shall have presented, and had his presentation, which he ought to have, according to the form of their agreement, and at the next avoidance he to whom the succeeding presentation belongs, is disturbed by any who was party to the said agreement, or by some other in his stead; it is provided, that Remedy for from henceforth he who is so disturbed have no need to sue a writ of quare impedit, but that they resort to the roll or fine; and if the said concord or agreement be found in the roll or fine, then that the sheriff be commanded that he notify to the disturber, that he be ready at some short day, containing the space of fifteen days, or three weeks, as the place happens to be near or far, to show if he can allege any thing, wherefore such party ought not to have his presentation. And if he come not, or peradventure come, and can allege nothing to bar the party of his presentation, by reason of any thing done since the agreement was enrolled or written, that he recover his presentation with his damages. And where it happens that after Remedy for the death of the ancestor who presented to a church, the same advowson disturbance of presentation shall have been assigned in the dower of any woman, or be held by the after a particular estate law of England, and the tenants in dower or by the law of England shall ended. have presented, and after the death of such tenants by the law of

impediat^r fisentare cu eccia vacatit, puisum est qd decelo sit in electione impediti vtrū pquirere velit p bre quare impede vel Hoc eciam obsuetur de aduocacoiba vltime presentacois. dimissis ad Pminu vite vi annoz vel ad feedum talliatum, Et decelo in bribz vltime Bsentacionis e quare impedit adiudicent^r dampna videlt si tempus semestre t^ansierit p impedimentū alicuius. Ita q̃d Ep̃s ecc̃am conferat € verus patronus ea vice psentacom suam amittat adjudicent dampna ad valorem eccie de duob; annis. Et si temp' no tensierit set disronet Bsentacio infra tempus Bdcm tuc adjudicent dampna ad valorem medietatis ecce p annū. Et si impeditor nichil heat vnde restitue possit dampna in casu quando Eps confert p lapsum temporis puniat^r p pⁱsonam duos annos. Et si aduocacio disronetur infra temp⁹ semestre, puniat^r tamen impeditor p pisonam dimidii anni. Et decetero concedant^r breuia de capellis Bbendis vicariis hospitalib; Abbatiis Prioratibus * aliis domibz que sunt de aduocacionibz aliquos que prius concedi no consueunt. Et cum p breue Indicauit impediat^r rector alicui⁹ eccie ad petend decimas in vicina pochia heat patronus rectoris sic impediti bre ad petend actionem decimas petitas et cu disconssit, peedat placitum postmodum in Curia xpianitatis quatenus disronatū filit in Cur Regis. Cum aduocacio descendit participib; licet vnus bis psentet € bis vsurpet sup coheredem no ppf hoc exclusus sit ille in toto qui fuit negligens s3 alias heat turnu suu Bsentandi cum acciderit.

De Waranto vocato per implacitatum.

Cvm quis petat tenementū vsus alium & implitat' vocafit ad Warantū & Warātus dedicat Warantiam & diu pendeat placitum in tenentē & Warantū cū ad vltimū conuincat q̃d vocat' ad Warantū Warantizare tenet plegem & consuctudinē hactenus vsitatam, no fuit alia pena inflicta vocato qui Warantizare dedixit nisi tantū q̃d Warantizaret & esset in mīa quia prius no Warantizauit quod durum fuit petenti qui multociens p collusionem in tenentem & Warantū magnas sustinuit dilaciones, ppt q̃d statuit dīs Rex q̃d sicut tenens amitlet tenementū petitū si vocasset ad Warantum

England or in dower, the true heir is disturbed in presenting when the church shall have been void, it is provided. that from henceforth it be in the election of the party disturbed, whether he will sue by writ of quare impedit, or of darrein presentment. The same shall be observed in advowsons demised for term of life, or years, or in fee-tail.

And from henceforth, in writs of darrein presentment and quare impedit, Damages in damages be awarded, that is to say, if the period of six months shall and Darrein have passed by the disturbance of any, so that the Bishop confer Presentment. the church, and the true patron lose his presentation for that time, that damages be adjudged to two years' value of the church. if the six months be not passed, but the presentment be deraigned within the said time, then damages be adjudged to the half-year's value of the church. And if the disturber have not whereof he can recompense damages, in case where the Bishop confers by lapse of time, he shall be punished by two years' imprisonment: and if the advowson be deraigned within the six months, yet that the disturber be punished by imprisonment of half a year.

And from henceforth that writs be granted of chapels, prebends, Writs for vicarages, hospitals, abbeys, priories, and other houses which are of prebends the advowsons of any, that have not before been used to be granted. vicarages, &c. And when by a writ of Indicavit, the rector of any church is hindered in demanding tithes in the next parish, that the patron of the rector so hindered have a writ to demand the action of the tithes demanded, and when it is deraigned, then that the plea proceed in a court Christian as far as it was deraigned in the King's court. When an Usurpation by advowson descends to parceners, although one present twice, and usurp on another. upon the coheir, he that was negligent shall not be totally barred, on this account, but another time shall have his turn to present when it happens.

VI. When anyone demands a tenement against another, and the Of warrantor vouched by party that is impleaded vouches to warranty, and the warrantor denies the the warranty, and the plea long pends between the tenant and the impleaded. warrantor; and at length, when it is proved that the vouchee is bound

to warranty, by the law and custom hitherto used, there was no other punishment assigned for the vouchee who denied his warranty, but only that he should warrant and should be amerced, because he did not warrant before; which was prejudicial to the demandant, who suffered oftentimes great delays by collusion between the tenant and the warrantor; wherefore the lord the King has ordained that like as the tenant should lose the tenement demanded, if he vouched to * Warantus se posset devolte a Warantia eodem modo amittat Warant' si Warantiam dedicat * convincatur qd Warantizare debeat. Et si inquisicio pendeat in tenente * Warantu * petens petat breue ad faciendu venire Juratam, concedatur ei.

De admensuracione dotis concessa Custodi per Breue. Custodi decelo concedat breue de amensuracione dotis nec p sectam custod si ficte et p collusionem sequatur versus mulierem tenentem in dotem precludat heres cum ad etatem puesit ad dotem mensurand sodm p legem re fuit amensuranda et e in isto breui q in bri de amensuracione pasture celerior q prius decelo sit poessus ita qd cum puentum fuerit ad magnam discrecom dent dies infra quos duo Comitatus teneant ad quos publica fiat pelamacio qd defendens veniat ad diem in bri contentu querenti respons, ad que diem si vesit, poedat placitum in eos et si no vesit, e pelamacio supradco meol p vic testificata fuerit poedat p defaltam ad amensuracionem faciendam.

De admensuracione pasture per Breue.

Cvm p placitum motum p breue de amensuracione pasture pastura füit amesurata aliquando coram Justic aliquando in Comitatu multociens contingat qd post hui modi amensura com fcam ifum ponat ille qui prius supofiadit pasturam illam plura afia q a ad ifm ptinet habend nec hucusq puisum fuisset remediū; statutū est q de supofiacone scda fiat remediū conquerenti sub hac forma qd conquerens heat bre de iudicio si coram Justic amensurata fûit pastura qd'vic in Beencia parciu Pmunitaz si infesse voluerint inquirant de scda supofiacone que si inuenta fuit, mandetur Justic sub sigillo vič * sigillis Juř. Et Justič adiudicent conquerēti dampna * ponant in extractis valorem animaliū que supofians post admensuracom fcam posuit in pastura vltra quod debuit € extractas libent Baronū² de sc²cio vt inde respondeant dno Si in Comitatu fca fflit admensuracio, tuc ad instanciam querentis exeat breue de Cancellaria qd inquirat

¹ So in MS. for mode.
2 So in MS. for Baronibus.

warranty, and the warrantor could discharge himself of the warranty, in the same way that the warrantor lose if he denies his warranty, and it be proved that he is bound to warrant. And if an inquest be Venire factors depending between the tenant and the warrantor, and the demandant at demandant's request. require a writ to cause the jury to come, it be granted him.

VII. A writ of admeasurement of dower shall be from henceforth Admeasuregranted to a guardian; neither shall the heir, when he shall have come to granted to age, be barred by the suit of a guardian, who may sue against the tenant writ. in dower feignedly, and by collusion, but that he may admeasure the dower, as it ought to be admeasured by the law of the land. And as well Process therein this writ, as in a writ of admeasurement of pasture there be more speedy admeasurement process than has been used hitherto; so that when it shall have come ment or pasture. to the great distress, days shall be given, within which two county [courts] may be held, at which public proclamation be made, that the defendant come in at the day contained in the writ, to answer to the plaintiff; at which day, if he shall come, that the plea proceed between them; and if he come not, and the proclamation shall be testified by the sheriff in manner aforesaid, that upon default they proceed to make admeasurement.

VIII. Whereas by a plea moved upon a writ of admeasurement of Admeasurepasture, the pasture has been admeasured sometimes before the justices, ment of sometimes before the sheriff in the county [court] it often happens writ. that after such admeasurement made, he who first overcharged the pasture again places more beasts on it than he ought to keep, nor has any remedy been hitherto provided; it is ordained, that upon the second overcharge, remedy be made to the plaintiff in this manner; if the pasture were admeasured before the justices, that the plaintiff have a writ of judgment, that the sheriff in presence of the parties being summoned, if they wish to be present, inquire of the second overcharge; which if it shall be found, it be returned to the justices, under the seal of the sheriff, and the seals of the jurors; and the justices adjudge damages to the plaintiff, and put in the estreats the value of the beasts which the overcharger placed, beyond what he ought, in the pasture after such admeasurement made, and deliver the estreats to the Barons of the Exchequer, that they may thereof answer to the lord the King. If such admeasurement shall be made in the county [court], then, at the request of the plaintiff, that a writ issue out of chancery, that the sheriff inquire of such overcharge; and for

sup hui'modi supofiacoe. Et de afiis positis in pastura vitra debitù nuffiù vel de ficio d'no Regi ad scam respondeat. Et ne vicecom fraudem faciant d'no Regi in isto casu, concordatù est que omia hui'modi breuia de scada supofiacone que exeunt de Cancellar irrotulentur et in fine anni mittat tansciptum ad scam sub sigillo Cancellar vt videant Thes a Baron de scacio qualif vic respondebut de exitib hui'modi breuiu. Eode modo irrotulent breuia de redisseis a mittant ad scam in fine anni.

De medio.

Cvm capitales dni distingant feodum suu p suiciis * consuetudiniba si debitis et medius sit qui tenente acquietare debet cum no iaceat in ore tenentis pot pima disticcom replegiatit dedice demandam Capital dni qui aduocat in Curia đni Rege iustam districcom sup tenentē suū vidett sup mediū multi p hui'modi districtiones hucusq grauati extiterint p hoc qd medius licet hret p quod distingi posset magnas fecerunt dilaciones and ad Curiam venunt ad respondend hui9modi tenentib3 suis ad breue de medio, p hoc eciam qd durus fuit in casu quando medius nich habuit in casu eciam quando si tenens paratus esse face Capitali dno suic e consuetudies exactas et capitalis d'us suicia e consuetudies sibi debitas renuebat recipe p manum alterius q. p manum pximi tenentis sui & sic amiserūt hui?modi tenentes in dnico pficuū terras suaz, aliquando ad tempus aliqñ toto tempore suo, nº fuit antea aliquod remediū in hoc casu puisum; ordinatum est & puisum in hoc casu remedium imposterum sub hac forma a cito hui modi tenens in dnico habens mediū int im a capitalem dnm distringit statim pquirat sibi tenens breue de medio. Et si medius habens terram in eodem Com defugit vaq ad magnam districcom detur querenti i bri suo de magna districtione talis dies ante cui aduentu duo Com teneant et Beipiatur vič qd distringat mediu p magnam districtom put in bři continet^r. Et nomin⁹ vic in duob₃ plenis Comitatiba solempni? proclamari faciat qd hui?modi medi? veniat ad diem in breui contentū responsur⁹ tenenti suo. Ad quem diem si vefiit, pcedat placitū in eos modo consueto; et si

the beasts put into the pasture beyond the due number, or for the value of them, let him answer to the lord the King at his Exchequer. And lest the sheriffs may defraud the lord the King in this case, it is agreed, that all such writs De secunda superoneratione that issue out of chan- Writs De cery, be inrolled, and at the end of the year a transcript be sent superonerations into the Exchequer under the Chancellor's seal, that the Treasurer and to be involied. Barons of the Exchequer may see how the sheriffs shall answer of the issues of such writs; in the same way, writs of redisseism shall be Also writs of re-disseism. inrolled and sent into the Exchequer at the end of the year.

IX. When chief lords distrain in their fee for services and customs to Of the mesne, them due, and there is a mesne who ought to acquit the tenant, since it lies not in the mouth of the tenant, after he shall have replevied the first distress, to deny the demand of the chief lord, who avows in the lord the King's court, that the distress is lawfully taken upon his tenant, namely upon the mesne; many have been hitherto oppressed by such distresses, inasmuch as the mesne, notwithstanding that he have whereby he may be distrained, made long delays before he came into the court to answer to such his tenants to the writ of mesne; and further, the case was very hard when the mesne had nothing; in case also when if the tenant was ready to perform to the chief lord the services and customs demanded, and the chief lord refused to take the services and customs due to him, by the hand of any other than of his next tenant, and so such tenants in demesne lost the profit of their lands sometimes for a time, and sometimes for their whole time, and heretofore no remedy has been provided in this case: there is ordained and provided a remedy for the future in this form; that so soon as such tenant in demesne, having a mesne between The writ of himself and the chief lord, is distrained, immediately the tenant purchase a writ of mesne; and if the mesne having land in the same therein. county, absent himself until the great distress, the plaintiff have such day given him in his writ of great distress, before the coming of which day two county [courts] may be held, and the sheriff be commanded to distrain the mesne by the great distress, like as it is contained in the writ; and nevertheless the sheriff in two full counties cause to be proclaimed solemnly, that such mesne come at a day contained in the writ, to answer his tenant: at which day if he come, that the plea proceed between them in the accustomed manner; and if he do not

no vesit, amittat hui?modi medius suiciū tenentis sui amodo no respondeat ei tenens in aliquo set omisso illo medio, respondeat capitali dno de eisdem suiciis que prius face debuit par medio. Nec heat capitalis dus potestate distingendi dum pares tenens offerat ei suicia debita e consueta. capitalis dus exegit plusq medius ei face deberet heat tenens in hac casu excepcom qua hret medi. Si uo medius nichil habuit in potestate Regis, nichilomin' pquirat tenens bre suu de medio ad viĉ Comitat⁹ illius in quo distⁱngit^r. Et si viĉ mandatlit qd medius nichil habet vbi potest sümoneri, nichilomin' sequat^r bre de attachiamento. Et si vic mandaslit qd nichil habet p quod potest attachiari, nichilomin' sequat bre de magna districtone et fiat pelamacio in forma Bdca. Si uero medius no habeat fram in Com in quo fit districto set heat fram in alio Com, tuc exeat bre originale ad sumon mediū ad vič Com in quo fit districtio. Et cum testificatum ffit p illum vic qd nichil habet in Com suo, exeat bre de ad sümonenđ mediü ad vič Com illius in quo testificatu fûit q ht ten e fiat secta in illo Com quousq pueniat ad magnam districcom e pelamaconem sicut dem est sup de medio habente fram in eodem Com in quo fit districtio et n'omin' fiat secta in Com in quo nichil habet sicut dem est supa de medio nich habete quousq pueiat ad magnam districcom e pelamacom e sic post pelamacom in vtroq. Com fcam abiudicet, medius de feodo & suicio suo. Cum aliqu contingat qd tenes in dnico feoffat, est ad tenend p min, suiciū q medius face debuit capitali dno cum post hui?modi pulamacom attornato sit tenens capitali dno medio omisso, necesse hebit tenens respondere capitali dno de suiciis e consuetudinib3 que medius ei prius facere debuit. Et postq. vesiit medius in Cur & cognosiit qd acquietare debet tenemētū suū vel adiudicetr ad acquietand si post hui modi cognicom aut iudiciū querimonia puēiat qd medius no acquietat tenentem tüc exeat bře de iudicio qd vic distingat medium ad acquietand tenentē * ad essend coram Justic ad ctum diem ad ostendend quare pius no acquietauit. Et cum p districcom come, that then such mesne lose the service of his tenant, and from thenceforth the tenant may not answer him in any thing; but, the same mesne being excluded, that he answer unto the chief lord of such services as before he ought to have performed to the said mesne; nor shall the chief lord have power to distrain, so long as the aforesaid tenant offer him the services due and accustomed; and if the chief lord shall have exacted more than the mesne ought to render to him, that the tenant in such case have such exception as the mesne should have. And if the mesne had nothing within the King's jurisdiction, the tenant nevertheless may purchase his writ of mesne The mesne to the sheriff of that county wherein he is distrained. And if the sheriff forejudged his fee and shall have returned, that the mesne has nothing whereby he may be services in summoned, nevertheless that he sue a writ of attachment. the sheriff return, that he has nothing by which he may be attached, he nevertheless may sue a writ of great distress, and proclamation And if the mesne have no land shall be made in form aforesaid. in the county in which the distress is taken, but have land in another county, then that a writ original to summon the mesne, issue unto the sheriff of the county where the distress is taken. And when it shall have been returned by the said sheriff that he has nothing in his county, that a writ of judgment issue, to summon the mesne, unto the sheriff of that county in which it shall be testified that he has tenements, and suit shall be made in that county, until the process come to the great distress and proclamation, as above is said of the mesne having land in the same county in which the distress is taken; and nevertheless that suit be made in the county in which he has nothing, as above is said of the mesne that has nothing, until the process come to the great distress and proclamation; and so after proclamation made in each county, that the mesne be forejudged of his fee and service. And where it happen sometimes, that the tenant in demesne is infeoffed to hold by less service than the mesne ought to render unto the The ter chief lord, when after such proclamation the tenant has attorned to le the chief lord, the mesne being excluded, the tenant must of necessity than the mesne. answer unto the chief lord for the services and customs which the mesne ought before to render to him. And after the mesne shall have come Proceedings into court, and confessed that he ought to acquit his tenant, 1 or mesne appears. be adjudged to acquit, if after such confession or judgment it is complained that the mesne does not acquit his tenant, that then a writ of judgment issue, that the sheriff distrain the mesne to acquit

And if appearance.

euchit, audiat querens et si querens verificare polit qd ibm no acquietauit, satisfaciet de dampnis * p iudiciū recedat tenens qiet' de suo medio * attornet; capitali dno. Et si ad pimam districcom no vessit exeat bre de alia districtione e siat pelamacio postq^a testificata füit peedat^r ad iudiciū sicut supius dem est. Et sciend qd p hoc statutu no excludunt tenentes quin heant Warantiam si de tenementis suis implacitant^r sup medios suos * eo\$ heredes scdm quod prius habuerunt. Nec eciam excludunt^r tenentes quin sequi possint versus medios suos sedm consuetudine pius vsitatam si viderint qd pcessus eqs plus valeat p antiq consuetudine q. p istud statutū. Et sciend est qd p istud statutū no puidet^p remediū quibzcūq mediis set solūmo in casu cū sit vnus medius tantum in dim distingente e tenente e in casu quando medius ille est plene etatis. Et i cău quando tenens sine Biudicio all'ius q medii attornare se potest capitali dino qod dem est p mulierib; tenentib; in dotem, tenetib; p legem Angi vel alit ad iminū vite vi p feodum talliatum quib; p aliquib3 causis nodū est guisum remediū set deo date alias prouidebitur.

De Liberain Itinere Justiciariorum.

Cvm in itisse Justič proclamatum filit qd omnes qui breuia cione breuium liberare voluerint ea liberent infa certum fminū post quē nullum breue recipiatr mtti de hoc condetes cum moram fecint usq ad pdcm fminu a nullu breue sup eos ffit libatum de licēcia Justič recedunt post quoz recessum adūsarii sui ipos absenciam pcipientes breuia sua porrigunt in cera que aliquando p fauorem aliquando p viĉ p dono recipiuntur e illi qui secure credebant recessisse, teñ sua amittūt vt hui?modifraudi subuēiat, imposterum; statuit dns Rex qd Justič in Itifiba suis statuant iminu qindene vel mensis minoris vel maioris imini scam ad Com fuit major vel minor inf que l'minu publice pclamet qd omes qui breuia liberare voluerint ea liberent cita illum iminū & in aduentu illius imini ctificet vic capitalem Justič itifiis quot breuia habet & que & ultra illum Pminū nullum breue recipiatur quod si receptum fuerit processus p illud fcus p nullo habeatur excepto qd bre cassatum durante

his tenant, and to be at a certain day before the justices, to show why he had not acquitted him before. And when he has come by force of the distress, let the plaintiff be heard; and if the plaintiff can prove that he has not acquitted him, he shall satisfy the damages, and by Damages in judgment the tenant shall go quit from his mesne and attorn unto the mesne chief lord. And if he come not at the first distress, let a writ issue for another distress and let proclamation be made; and after it is returned let it proceed to judgment, as beforesaid. And it is to be understood, that by this statute, tenants are not excluded, but that they have warranty of their mesnes and the heirs of them, if they be impleaded Tenants may of their tenements, as they have had before. Nor that the tenants of the meme. be excluded, but that they may sue against their mesnes, as they used hitherto, if they see that their process may avail more by the old custom, than by this statute. And it is to be understood, that by this statute no remedy is provided to any mesnes, but only in case where there is but one mesne only between the lord that distrains and the tenant, For what and in case where that mesne is of full age; and in case where the tenants this statute is tenant may attorn unto the chief lord, without prejudice of any other ordained. than of the mesne, which is said for women holding in dower, tenants by the law of England, or otherwise for term of life, or in fee-tail, to whom for certain causes remedy is not yet provided, but, God willing, it shall be at another time.

X. When in the circuit of justices it shall have been proclaimed, that Of delivery of all who wish to deliver writs, should deliver them within a certain term, write in after which no writ should be received; many trusting to this when Justices. they shall have waited until the said term, and no writ was served upon them, depart by licence of the justices; after whose departure their adversaries, perceiving their absence, deliver their writs in wax, which sometimes by favour, and sometimes for reward, are received by the sheriff, and those who believed they had departed in security lose their tenements; for the remedy of such fraud bereafter, the lord the King has ordained that the justices in their eyres appoint a term of fifteen days, or a month, the term shorter or longer, according as the county shall be larger or smaller, within which term it be publicly proclaimed, that all who wish to deliver their writs, deliver them before the same term; and when the time comes, the sheriff certify the chief justice of the eyre how many writs he has, and what, and that no writ be received after that term; and if it shall be received, the process issuing thereupon be of no effect, except that a writ abated may be revived any time during the whole eyre. Also writs of dower

toto itinere releuari polit. Breuia eciam de dote de viris qui obierint infra sūmonicom itineris assise vltime βsentacionis τ quare impedit, De ecciis vacantib3 infra sūmonicionem βdc̃am quocūq tempore ante recessum Justic̃ recipiant. Breuia eciam noue dissie quocumq tempore fc̃a fuerit dissia recipiant.

De attornatis in Itinere Justiciariorum. In Itifiib3 Justič concedit dñs Rex de gra speciali qd illi qui tenementu habent in diffisis Com in quib3 Justič itifiant vel de quib3dam tenementis in Com in quo Justič Itifiant timent implacitari e de aliis tenementis in Com in quo Justič no itinerant implacitant coram Justič apud Westm vel de Banco dni Regis vel cora Justiciar ad assisas capiend assign vel in aliquo Com coram vič vel in aliqua Cur Baron face possint gefiale attornatum ad sequend p eis in omib3 placitis in Itinere Justič p ipis vel conta ipos motis vel mouend durante itifie quiquide attornatus vel attornati heant potestatem in placitis motis in itifie quousq placitu fminetur vel dns suus ipm amostit nec p hoc excusent si sint in Juratis assis coram eisdem Justiciariis.

De hiis qui compotum reddere tenentur

De seruientib; Balliuis Camariis & quib;cuq receptorib; qui ad compotum reddendū tenentr concordi? est ordinatum e statutum qd cu dns hui'modi seruientum dederit eis auditores compoti e contingat ipos esse in arreragiis sup compotum suum arestent^r corpora eos « p testimoniū auditos copoti eiusd mittantur v liberent, pxīe gaole dni Regis in ptib; illis * a viĉ seu custode eiusdē gaole recipiant * mancipant carceri in ferris & sub bona custodia & in illa pisona remaneāt de suo pprio viuentes quousq dnis suis de arreragiis plenar Attamen si quis sit gaole liberatus conquerat, ad auditores compoti ifim iniuste geuanert onerando de receptis que no recepit vel no allocando expensas aut liberaciones ronabiles & inueniat amicos qui eum manucape voluerint ad Et scire fac vic in cui' potestate fuerit ducend liberetr eis. d'ns1 qd sit coram Baronib3 de scecio ad aliquem ctum diem

¹ So in MS.; dno in other MSS.

of men who died within the summons of the eyre, assises of darrein presentment, and quare impedit, of churches vacant within the aforesaid summons, may be received at any time before the departure of the justices. Also writs of novel disseisin, at what time soever the disseisin was done, be received.

In the eyres of the justices, the lord the King of his special Of attorneys in grace grants, that those who have tenements in divers counties, where the justices. the justices make their circuit, or fear to be impleaded of certain tenements in counties where the justices make their circuit, and are impleaded of other tenements in counties where the justices have no circuit, as before the justices at Westminster, or in the King's Bench or before justices assigned to take assises, or in any county [court] before sheriffs, or in any court Baron, may make a general attorney to sue for them in all pleas in the circuit of justices moved or to be moved for them, or against them, during the circuit, which attorney or attorneys shall have power in pleas moved during the circuit, until the plea be determined, or his lord remove him; yet that they be not excused thereby, from being put on juries or assises before the same instices.

XI. Concerning serjeants, bailiffs, chamberlains, and all manner of Of those who receivers, who are bound to yield account, it is with one consent agreed render and ordained, that when the lord of such servants assigns auditors of their account, and it happens that they are in arrear upon their account, their bodies be arrested and by the testimony of the auditors of the said account, they be sent and delivered to the next gaol of the lord the King in those parts, and be received by the sheriff or keeper of the gaol, and imprisoned in irons under safe custody, and remain in the same prison living at their own cost, until they shall have satisfied their lords fully of the arrears. Nevertheless if any person being so committed to gaol, complain that the auditors of account have injured him unjustly, charging him with receipts that he has not received, or not Proceedings allowing him expenses, or reasonable disbursements, and he can find may be removed into friends who will mainprise to bring him [before the Barons of the Ex. the Exchequer. chequer], that he be delivered unto them. And the sheriff, in whose power he shall have been, cause his lord to know, that he be before the Barons of the Exchequer at a certain day, with the rolls and tallies

cū rotulis € talliis p quos compotū reddiderit € in βsencia Baronū vel auditor quos assignare voluerint recitet compot € fiat partibz iusticia ita qd si f@it in arreragiis, comittat gaole de fflete vt supadem est. Et si defugerit & gratis compotum reddere noluerit, sicut alibi in aliis statutis continet^r distringat^{*} ad veniend coram Justic ad compotu reddend si heant p quod distingi possit, * si ad Cur vefiint dent auditores compoti corā quib; si fflint in arreragiis si statim arreragia solde no possint comittant gaole custodiendi in forma paca. Et si defugerint e testatū fûit p vic qd no sunt inuenti exigant^r de Com in Comitatum quousq vtlagent^r & sint hui⁹modi incarcerati irreplegiabiles. Et caueat sibi viĉ vel Custos eiusdem gaole siue sit in libtate siue extra qd p comune bre quod dicitur replegiari vel alio modo sine assensu đni ipm a pisona exire no pmittat quod si fecerit, * sup hoc conuincat^r respondeat dno de dampno p hui⁹modi suiente sibi illato scam quod p priam verificare polit a ita heat recupare suu p bre de debito. Et si custos gaole no heat p qued Justiciet vel vnde soluat respondeat supior suus qui custodiam hui⁹modi gaole sibi comisit p idem bre.

De falsis

Qvia multi p maliciam volentes alios grauare pcurant falsa appella fieri de homicidio e aliis feloniis p appellatores nichil habentes vude dino Regi p falso appellatores nichil habentes vude dino Regi p falso appellatores appellatis de dampnis respondere possint statutu est qd cum aliquis sic appellatore de felonia sibi imposita se acquietadit in Cur Regis modo debito vel ad secta appellatoris vel dini Regis, Justic coram quib3 auditu erit hui°modi appellu e terminatu puniant appellatorem p pisonam vni° anni, et nichilomin° restituat hui°modi appellatores appellatis dampna p discrecom Justic hito respectu ad pisonam vel arrestacom qua occasione hui°modi appellatori sustindut appellati e ad infamiam qua p inpisonametu vel alio modo incurrerunt et nichilomin° versus dim Regem guius redimant. Et si forte hui°modi appellatores no heant vude fidoa dampna restitue possint inquiratrinaturi.

by which he made his account; and in the presence of the Barons, or the auditors whom they will assign, the account be rehearsed, and justice be done to the parties, so that if he shall be found in arrear, he be committed to the gaol of the Fleet, as above is said. And if he flee, and will not render account willingly, as is contained elsewhere in other statutes, he be distrained to come before the justices to make his account, if he have whereof he can be distrained. And if they shall come to the Court, auditors of account be assigned, before whom if they shall be found in arrear, if they cannot pay the arrears forthwith, they be committed to the gaol to be kept in manner aforesaid. And if they Exigents fice, and it be returned by the sheriff that they cannot be found, that accountant. they be proclaimed from county to county, until they be outlawed, and let such prisoners be not repleviable. And let the sheriff or keeper of such gaol take heed, whether it be within a franchise, or without, that The sheriff he do not suffer him to go out of prison by the common writ called answerable on replegiari, or by other means, without assent of his lord; and if he do, accountant. and thereof be convicted, that he be answerable to the lord for the damage done to him by such servant, according as it may be found by the country, and he may have his recovery by writ of debt. And if the keeper of the gaol have not wherewith he may answer to justice, or whereof he may pay, that his superior, who committed the custody of such gaol unto him, be answerable by the same writ.

XII. Forasmuch as many, through malice intending to injure others, Of false procure false appeals to be made of homicide and other felonies by appeals. appellors, having nothing to satisfy the lord the King for the false appeal, nor the parties appealed for their damages; it is ordained, that when any, being so appealed of felony imputed to him, shall have acquitted himself in the King's court in due manner, either at the suit of the appellor, or of the lord the King, the justices before whom such appeal shall be heard and determined, punish the appellor by a year's imprisonment, A year's and the appellors nevertheless restore to the parties appealed their imprisonment damages, according to the discretion of the justices, having respect to the imprisonment or arrest that the parties appealed sustained by reason of such appeals, and to the infamy that they have incurred by the imprisonment or otherwise, and nevertheless make a grievous fine unto the lord the King. And if peradventure such appellors have not wherewith to recompense the said damages, it shall be inquired

p sacrm phos e lag hôiū p quos abettum formatum fuerit hui'modi appellū p maliciam si appellatus hoc petat. Et si inuēiat p illam inquisicom qd aliquis sit abettator p maliciam p breue de iudicio ad sectam appellati distingat ad veniend corā Justiciariis. Et si legittimo modo conuictus fuerit de hui'modi abetto p maliciam, punia p pisonam e ad restitucom dampnos teneat sicut supius dem est de appellatore. Nec iaceat decelo appellatori de appello de morte hominis essoniū in quacūq. Curia appellum fuit l'minand.

De vicecomitibus homines non culpabiles capientibus in turnis suis.

Qvia vicecomites multociens fingentes aliquos coram eis in turnis suis indictatos de furtis e aliis malefcis capiunt homines no culpabiles nec legittio modo indictatis eos imprisonant e ab eis pecuniam extorquent legittio modo p xijom Juratores no fuerint indictati; statutū est qd vicecomites in turnis suis & alibi cum inquirere heant de maleftoritz p peptu dni Regis vel ex officio suo p leg hoïes ad minus duodecim, faciant inquisiciones suas de hui⁹modi maleftorib; qui inquisicionib; illis sigilla sua apponant et illos quos p hui⁹modi inquisicones inuenerint culpabiles capiant & imprisonent scdm qd alias fieri consucuit. Et si alios imprisonatiint q p hui modi inquisicones indictatos heant hui9modi imprisonati actionem suam p bre de imprisonamēto versus vič sicut herent versus quācumq aliam psonam qui eos imprisonaret sine Waranto € sicut dcm est de vic obsuet de quolibet ballino libtatis.

De vasto facto per Custodem Cvm de vasto foo in hereditate alicui? p custodes tenentes in dotem p legē Angt vel ali? ad îminu vite consueîlit fieri bre de phibicione vasti p quod bre miti fuerunt in errore credentes que illi qui vastum fecerunt no habuerunt necesse respondere nisi tantu de vasto foo post phibicom eis directam; dns Rex vt hui?modi error de cefo tollat statuit que vasto quocuq modo ad nocumentu alicui? foo no fiat decelo bre de prohibicione vasti set bre de sumonendo ita que ille de quo querit respondeat de vasto foo quocuq tempore et post sumonicom si no venit attachiet et post attachiamentu dist ngat et post districcom si no venit mandet vic que in

by oath of good and lawful men by whose abetment such appeal was Inquiry of formed by malice, if the party appealed desire it; and if it be found by appeals and the same inquest, that any man is abettor through malice, at the suit their punishment. of the party appealed, he be distrained by a writ of judgment to come before the justices; and if he be lawfully convicted of such malicious abetment, he be punished by imprisonment and bound to restitution of damages, as before is said of the appellor. And that No essoin for from henceforth in appeal of the death of a man, no essoin lie for the the appellor. appellor, in whatsoever court the appeal shall come to be determined.

XIII. Forasmuch as sheriffs, oftentimes feigning certain persons of sheriffs to be indicted before them in their turns, of thefts and other trespasses, guilty, in their take men that are not guilty or lawfully indicted, and imprison them, turns and exact money from them, whereas they were not lawfully indicted by twelve jurors; it is ordained, that sheriffs in their turns, and in other places, when they have to enquire of malefactors by the lord the King's precept, or by their office, make their inquests of such malefactors by lawful men, twelve at the least, who shall put their seals to such inquests; and those that they shall have found guilty by such inquests, they take and imprison, as has been accustomed at other times to be done. And if they shall have imprisoned others than such as have been indicted by such inquests, the parties imprisoned may have their action by a writ of imprisonment against the sheriffs, as they should have against any other person who should imprison them without warrant; and as it has been said of sheriffs, so be it observed of every bailiff of a franchise.

XIV. Whereas for waste done in the inheritance of any person, by Waste done by guardians, tenants in dower, tenants by the law of England, or other- a guardian. wise for term of life, a writ of prohibition of waste has been used to be granted, by which writ many in error, thinking that those who had done the waste had not need to answer, except of waste done after the prohibition to them directed; to remove from henceforth this error, the lord the King has ordained, that of all manner of waste done to the damage of any person, there be not from henceforth a writ of prohibition of waste awarded, but a writ of summons, so that he of whom complaint is made, answer for waste done at any time; and if he come not after the summons, that he be attached, and after the attachment he be distrained; and if he come not after the distress,

ppria psona assumpto secum duodecim te accedat ad locum vastatum * inquirat de vasto * returnet inquisicom et post q retornata fuit pcedat ad iudiciu scam qd qtine in statuto prius edito apud Westm.1

no hito respectu ad sexum nec ad qantitatem tenementi set

De secta

In omi casu quo minores infra etatem implacitare possunt, pro minoribus infra etatem. concessum est que in infra etatem. concessum est que infra etatem. psonali⁰ sequi possint; ppinqiores amici admittantur ad sequend p eis.

De maritagio In casu quo alicui minori descendat^r hereditas ex parte minoris pris qui tenuit de vno dno e ex parte matris que tenuit de tenentis de diuersis alio đno, dubitacio hucusq extifit de maritagio hui modi dominia minoris ad quem de duob; dnis ptineat; concordatu est qd ille dñs decefo habeat maritagiu antecessor prius fuit feoffatus

solūmodo ad antiquiũ feoffamentū p suiciū militare. De essonia de In Itifie Justic no admittate decelo essonia de malo lecti malo lecti in Itinere Justi- de ten in code Com nisi ille qi se facit essoniare veracio sit ciariorum. infirm' quia si excipiat a petente qd tenens no est infirmus nec in illo statu quo venire no potuit coram Justic admittat^r

eius calumpnia. Et si hoc p inquisicom conuinci polit, veracita illud essoniū in defaltā nec iaceat decetero istud essoniū in bri de recto int duos clamantes p vnū descensum. De debito · Cvm debitum füit recupatum vel in Cur Regis recognitū

recuperato. vel dampna adiudicata, sit decelo in electione qui sequit^r p hui'modi debito aut dampnis sequi bre qd vic fieri fac de Pris e catatt vi quod vic libet ei omia catalla debitoria, exceptis bob; * affris caruce * medietatë terre sue quousq debitū fuit leuatum p ronabile preciū € extentam et si eiciatr

ab illo tenemento heat recupare p bre noue dissie e postes. per bře redisšie si nčče flit.

the sheriff be commanded that in proper person he take with him Inquiry of twelve &c., and go to the place wasted, and inquire of the waste and waste. return an inquest and after the inquest returned, it proceed to judgment, as it is contained in the statute first made at Westminster.

XV. In every case in which minors under age may plead, it is granted Of suit for that if such minors be eloined, so that they cannot sue personally, their minors. next friends be admitted to sue for them.

XVI. In case where an inheritance descends to a minor, on the side of marriage of a minor tenant of divers lords, and on the side of the mother who of divers lords, held of another lord, there has hitherto been doubt, as to the marriage of such a minor, to which of the two lords it should belong; it is agreed, that from henceforth that lord have the marriage, of whom the ancestor was first infeoffed, not having respect to the sex, nor to the quantity of the tenement, but only to the more ancient feoffment by knight service.

XVII. In the eyre of the justices, an essoin de malo lecti shall not of the essoin be from henceforth allowed for a tenement in the same county, unless the that caused himself to be essoined be sick indeed; for if the demandation that the tenant is not sick, nor in such plight but that he may come before the justices, his challenge shall be admitted. And if it can be so proved by inquest, that essoin shall be turned to a default; and from henceforth such essoin shall not lie in a writ of right between two claiming by one descent.

XVIII. When a debt shall have been recovered or acknowledged in the Of a debt King's court, or damages adjudged, it shall be from henceforth in the election of him who sues for such debt or damages, to sue out a writ that the sheriff cause him to have of the lands and chattels, or that the sheriff shall deliver to him all the chattels of the debtor, saving only his oxen and beasts of the plough, and the one half of his land, until the debt be levied upon a reasonable valuation and extent; and if he be put out of that tenement, he shall have recovery by a writ of novel dissersin, and afterwards by a writ of redissersin, if need be.

De bonis decedentis intestati ad ordinarium deuolutis. Cvm post morte alicui? decedentis intestati vel obligati aliquibz in debito bona eius deueniant ad ordinariu disponenda, obliget de celo ordinarius ad respondend de debitis quaten? bona defucti sufficiut eo modo quo executores respondere tenerent si testamentu fecisset.

De responsione in breui mortis antecessoris et consanguinitatis.

Cvm Justič in placito mortis añcessor admitre consuedint responsione tenentis qd petens no est ppinquior heres añcessor de cui? morte teñ petitur e hoc p assisam inquirere, concordatum est qd in brib3 de consanginitate Auo e pauo que sut ei? de nature admittat illa responsio e inquirat e sedm inquisicom ad indiciu procedat.

De seruicio detento per Biennium. Cvm in statuto apud Gloucestr contineatr qd si quis dimiserit ten alicui, ad reddend valorem quarte partis tenementi e maioris heat ille qui dimisit vel eius heres postq a cessatum filit a solucone p bienniù acrom petendi ten sic dimissù in dnico. Eodem modo concordatum est qd si quis detineat dno suo suiciù debitù vel cons dno suo p bienniù; heat dns actione petendi tenemetù in dnico p tale bre. Precipe A. qd iuste ec reddat B. tale ten quod C. de eo tenuit p tale seruiciù et quod ad sdem B. reliti debet eo qd sdes A. in faciendo sdem suicium p bienniù cessauit vi dicit. Et no solum in isto casu set in casu in quo fit mecio in sdeo statuto Glouc, fiant bria de Ingressu heredi petenti sup herede tenetis e sup eos quibz alienatum fuit hui?modi tenemetù.

De tenentibus in Communi.

Cvm duo vel plures teneant boscum, turbariam, piscariam vi alia hui⁹modi in cōmuni absq hoc q̃d aliquis sciat suū sepale & aliquis eoş faciat vastum cont^a voluntatem all'ius; moueat^r actio p breue de vasto & heat defendens cum ad iudiciū ventit eleccionem capiendi partem suam in êto loco p vič & visum & sacrm & assignacione vicinos ad hoc electos & Jurator vel concedat q̃d nichil capiat decero in hui⁹modi bosco turbaria & aliis nisi scdm q̃d pticipes sui cape voluerint. Et si eligat cape ptem suam in êto loco, assignet^r ei in sua parte locus vastatus scdm q̃d fuit anteq a vastū fecit. Bre in hoc casu. Cum A. & B. teneant boscum p indiuiso B. fecit fecit¹ vastum &c.

XIX. When after the death of a person dying intestate, who is bound Of the goods to any persons for debt, the goods come to the Ordinary to be disposed, intestate come the Ordinary from henceforth shall be bound to answer the debts as to the Ordinary. far as the goods of the deceased extend, in the same way as the executors should have been bound to answer, if he had made a testament.

XX. Whereas justices in a plea of mortd'ancestor, have been accus- Of the answer tomed to admit the answer of the tenant, that the plaintiff is not next mortd'ances heir of the ancestor, by whose death he demands the tenement, and and cosenage. [is ready]1 to inquire the same by assise; it is agreed, that in write of cosenage, giel, and besgiel, which are of the same nature, that answer be admitted and inquired, and according to the inquisition they proceed to judgment.

XXI. Whereas in a statute made at Gloucester, it is contained, that As to service withheld for if any demise a tenement to another, to pay the value of the fourth two years. part of the tenement and more, he who demised, or his heir, after the payment has ceased by the space of two years, have an action to demand the tenement so demised in demesne: in like manner it is agreed, that if any withhold from his lord his due or accustomed service by the space of two years, the lord have an action to demand the tenement in demesne, by such a writ; Praecipe A. quod juste, &c., reddat B, tale tenementum quod C, de eo tenuit per tale servitium. & quod ad praedictum B. reverti debet, eo quod praedictus A. in faciendo praedictum servicium per biennium cessavit, ut dicit. And not only in this case, but also in the case whereof mention is made in the said statute of Gloucester, that writs of entry be made for the heir demand. For heir against ing against the heir of the tenant, and against those to whom such heir or alience. tenement shall be aliened.

XXII. When two or more hold wood, turbary, fishery, or other such Of tenants things in common, wherein none knows his several, and any of them commit waste against the will of another, an action may be moved by a writ of waste; and when it shall have come to judgment, the defendant may choose either to take his part in a place certain, by the sheriff. and by the view, oath, and assignment of neighbours, chosen and sworn for this purpose, or else he agree to take nothing from henceforth in such wood, turbary, and other things but as his parceners will take. And if he choose to take his part in a place certain, the part wasted shall be assigned to him in his part, as it was before he committed the waste. The writ is such in this case :- Cum A. & B. teneant boscum pro indiviso, B. fecit vastum, &c.

¹ Paratus est is read here in other MSS.

De compoto pro executoribus. Habeāt decefo executores breue de compoto e candem actione e pessu p illud bre qualem habuit e haberet mortuus si vixisset.

In casib; quib; concedit bre in Cancellar de fco alicui? decelo no recedant querentes a Cur Regis sine remedio p co qd ten tensfert de vno in aliu e in registo de Cancellar no est inuentū aliquod bre in illo casu speciale sicuti de domo muro meato concedit bre sup eum qui leuauit. tansferat domus murus & hiis consimilia in aliam psonam breue denegatr set decelo cu in vno casu conceditr bre, in simili casu simili remedio indigente sicut prius fit bre. C. Questus est nobis A. qd B. inuiste &c leuauit domū mcatum e alia que sunt ad nocumentu si huiºmodi leuata ad nocumētū tansferat in aliam psonam decelo fiat sic. C. Questus est nobis A. qd B. & C. leuauerunt &c. Kodem modo sicut psona alicui⁹ eccie recupare potest comuna pasture p bre noue dissie, codem modo decelo recupet successor sup disscisitorē vel ei' heredē p bre qd pmittat licet hui'modi bre prius a Cancellaria no fuit concessum. Eode modo sicut conceditur bre de vtrum aliquod ten sit liba elemosina alicui' ecctie vel laicum feodum talis, fiat decelo bre vtrum sit libera elemosina talis ecce vel alterius. C. In casu quo libera elemosina vnius eccie tansfertr in possessione allius eccie; & quocienscuq decelo euclit in Cancellaria qd in vno casu repitr bre & in comuni casu cadente sub eodem iure & simili indigente remedio, concordet chici de Cancellaria in bri faciendo, vel atterminent querentes in pxio parliamento scribant casus in quib; concordare nō possunt € referant ad pximū pleamentū * de consensu iur pitos fiat bre ne contingat decelo qd Cur diu deficiat querentib; in iusticia pquirenda.

De noua disseisina amplianda. Qvia no est aliquod bre in Cancellar p quod querentes habent ita festinum remediu sicut p bre noue dissie das Rex voluntate habens que celeris fiat iusticia et que dilaciones in phitis amputent vel abreuient concedit que bre noue dissie locum heat in phib3 casib3 q prius habuit e concedit que de estoueriis bosc pficuo capiendo in bosco de nucib3 e glande

XXIII. Executors from henceforth shall have a writ of account, [Writ of] and the same action and process by the same writ, as the deceased executors. had and might have had if he had lived.

XXIV. In cases in which a writ is granted in Chancery for the Writs in conact of any, the plaintiffs from henceforth shall not depart from the simili casu. King's court without remedy, because the tenement is transferred from one to another, and in the register of the Chancery there is no special writ found in this case; as of a house, wall, market, the writ is granted against him who set it up; and if the house, wall, and such like be aliened to another, the writ is denied; but from henceforth, whereas in one case a writ is granted, in like case requiring like remedy, the writ shall be made as before: Quaestus est nobis A. quod B. injuste, &c., levavit domum, mercatum, & alia quae sunt ad nocumentum, &c. And if such things set up be aliened to another person, henceforth it shall be made thus: -Quaestus est nobis A. quod B. et C. levaverunt, &c. In like manner, as a parson of a church may recover common of pasture by writ of novel disseisin, likewise from henceforth his successor shall recover by writ of quod per-Quod permittat by successor of mittat against the disseisor or his heir, though a like writ were not a parson. granted out of the Chancery before. And in like manner, as a writ of utrum is granted whether any tenement be the free alms of any Juris utrum church, or the lay fee of such a man, from henceforth a writ shall a be made whether it be the free alms of such church, or of another, other. in case where the free alms of one church are transferred to the possession of another church. And whensoever from henceforth it shall happen in the Chancery, that in one case a writ is found, and in like case falling under the same law, and requiring like remedy [is found none the clerks of the Chancery shall agree in making a writ, or shall atterm the plaintiffs until the next parliament, and they shall write the cases in which they cannot agree, and refer them to the next parliament and by consent of men learned in the law, a writ shall be made, lest it happen hereafter that the court should long time fail to minister justice to complainants.

XXV. Forasmuch as there is no writ in the Chancery whereby plain- Of enlarging tiffs can have so speedy remedy, as by a writ of novel dissessin; the lord Novel dissessin. the King, willing that justice may be speedily done, and delays in moving pleas taken away or shortened, grants that a writ of novel disseisin hold place in more cases than it has done heretofore; and grants, that for estovers of wood, profit to be taken in a wood by gathering

by one church against an-

¹ The words Non reperitur are inserted in old printed copies.

* aliis fructib; colligend de corredio liberacione bladi aut alioz victualiù aut necessarioz in loco eto annuatim recipiend tolneto, tronagio, passagio, pontagio e hiis similibz in ctis locis capiend. Custodes parcos boscos forestas chaceas warennas portaz « aliis balliuis » officiis in feodo, iaceat de celo assisa noue dissie * i omib; supadcis modo consueto, fiat bre de libo Et sicut eciam pius iacuit & locum habuit in comuna pasture ita decelo locum heat in comuna turbarie piscarie * aliis comunis e hiis similib; quas quis habet ptinentes ad liberū teñ vel eciam sine teñ per spale factu adminus ad Pminū vite. In casu eciam quando quis tenens tenementa ad Pminū annoz vel in custodia illud alienat in feodum & p illä alienacom tansfert liberum ten in feoffatum, fiat remediu p bre noue dissie & heant p disseisitorib; tam ille qui feoffat qa feoffatus, ita qd viuente altero eos locum heat bre predčm. Et si p mortem psonaz cesset remediū p fdčm bře. fiat remediu p bre de ingru. Et qemuis supius fiat mencio de aliquibz casibz de quibz locum no habuit prius bre noue dissie, no ppl hoc credat aliquis illud breue no compele vbi prius competebat. Et licet dubitadut quidam vtrum in casu quo quis pascit alterius sepale fieri pofit remediū p ßdcin breue, tenest^r p certo qd in casu illo p pdcm bre bonū * etum est remediu. Et caueant decelo illi qui noiati sunt disseisitores qd no pronat falsas excepcones p quas capcio assise differatur, dicendo qd alias assisa transitit in easdem partes de eodem tenemento, vel dicendo « menciendo qd bre de alciori natura pendet in easde partes de eodem tenemento e sup hiis consimilib; vocet rotulos uel recordū ad Warantū vt p illam vocacom asportare possiut vesturam leuare redditus & alia pficua ad magnū detrimentū querentis quia licet prius illam penam no huit qui hui modi falsas excepcones mendacit pposuit, nisi tantū qd post mendaciū suū conuictum peessum fuit ad capcione assise dns Rex cui odiose sunt hui?modi false excepcones, statuit qd si quis disseisitor noiat' psonali? pponat illam excepcom ad diem sibi datum si defecit de Waranto quod vocauit heatur p disseisitore absq recognicone assie e

of nuts, acorns, and other fruits, for a corody, delivery of corn or other victuals or necessaries to be received yearly in a place certain, toll, tronage, passage, pontage, and such like, to be taken in places certain, keeping of parks, woods, forests, chases, warrens, gates, and other bailiwicks and offices in fee, from henceforth an assise of novel disscisin lie; and in all cases aforesaid, according to the accustomed manner, the writ de libero tenemento be made; and as formerly it lay and held place in common of pasture, so from henceforth it hold place in common of turbary, fishery, and such like commons, which any man has appendant to a freehold, or without freehold by special deed, at the least for term of life. In case also when any man holding a tenement for term of years, or in custody, alien it in fee, Remedy on allenation by and by such alienation transfers the freehold to the feoffee, that tenant for the remedy be by a writ of novel disseisin, and as well the feoffor as the ward. feoffee be held for disseisors, so that during the life of either of them the said writ hold place; and if by the death of the parties, remedy by that writ cease, then let remedy be given by a writ of entry. And albeit that mention is made above of some cases wherein a writ of novel disseisin held no place before, let no man think therefore that this writ lies not now where it lay before; and though some have doubted whether a remedy should be had by this writ in case where one grazes the several [pasture] of another, let it be held for certain, that there is a good and a sure remedy in that case by the said writ. And let those who are named disseisors beware from henceforth that they allege not false ex- Penalty for failing in an ceptions, whereby the taking of the assise may be deferred, saying, exception that at another time an assise of the same tenement passed between the defendant same parties, or saying and falsely, that a writ of a higher nature is pending between the same parties for the same tenement, and upon these and like matters do vouch rolls or record to warranty, that by the same vouching they may carry away the crops, receive the rents and other profits, to the great damage of the plaintiff. And whereas formerly no other penalty was limited against him who falsely alleged such untrue exceptions, but only that, after his falsehood proved, the assise proceeded to be taken; the lord the King to whom such false exceptions are odious, has ordained, that if any, being named disseisor, personally allege that exception at the day to him given, if he fail of the warranty that he has vouched, he be adjudged for a disseisor without recognition of the assise, and restore his damages before

restituat dapna prius inquisita vel post inquirend duplo, e nichilomin' p falsitate sua puniat p pisona vni anni. si illa excepcio pponat^r p balliuŭ no pp⁰ hoc differat^r capcio assie * iudiciū sup restitucone ten * dampnos, ita tamen qd si dns illius balli qui absens fûit postmod veniat coram Justič qui assem ceperunt & offerat verificare p recordū vel rotulos qd assisa alias tensiuit de eod ten int easdem ptes vel qd querens alias se retraxit de breui cosimili vel placitum pendeat p bře de alciori natura, fiat ei bře de faciendo venire sup hoc recordu & cu illud huit & videant Justic qd record its ei missum valeret ante iudiciū qd p illud excluderet querens ab accone sua, statim faciant Justic scire parti qui prius recupauit qd sit ad ctum diem ad que reheat defendens seis m suam e dampna si qua prius soluit p pimū iudiciū simul cum dampnis que habuit post pimū iudiciū redditū que ei restituatur in duplo sicut Bdcm est. Et nichilomin' puniatr ille qui primo recupauit p pisona scam discrecom Justic. modo si defendens conta que tansiuit assisa in saa absencia ostendat cartas vel quietas clamancias sup quaz confectione no fflüt Juratores examinati nec examinari potflüt p eo qd de eis no fiebat mencio in placitando & pbabili? ignorare pofunt confectores huiºmodi scriptoz Justiĉ visis scriptis illis faciat scire parti qui recupauit qd ad ctum die * venire fac Jurator Et si p veredčm Jur vi forte p irrotulamentū eiusde assie. scipta illa verificatit, puniatr ille qui assam impetauit conta fom suū p penam supadčam. C. Nec capiat decelo vič a disseisito Et si plures sīt disseisitores in bouē set a disseisitore tantū. vno breui noîati nichilomin' de vno boue sit contentus nec exigat bouem nisi de βcio q'nq, solido, « qatuor denario, vel βciū.

De redisseisina. In breuibs de redissina adiudicent, decelo dampna in duplo et sint redisseisitores decelo irreplegiabiles p comune bre. Et sicut in statuto Merton puisum fuit illud breue de hiis qui disseisiti fuerint postq recupatint p ass m noue dissie mortis ancessor aut p alias Jur ullius decelo heat illud breue locum illis qui recupatit p defaltam reddicom aut alio modo sine recognicone assisas aut Juratas.

inquired of, or to be inquired of, two-fold, and nevertheless be punished by a year's imprisonment for his falsehood. And if that exception be alleged by a bailiff, that the taking of the assise be not delayed therefor, nor judgment upon the restitution of the tenement, and damages; yet nevertheless, that if the lord of the said bailiff who was absent, come afterwards before the justices who took the assise, and offer to prove In what case by record or rolls, that at another time an assise passed between the assise lies. same parties of the same tenement, or that the plaintiff at another time withdrew his suit in a like writ, or that a plea is pending by a writ of a higher nature, let a writ of venire facias be granted to him upon this record; and when he has the same, and the justices see, that the record so sent to him would have availed before the judgment, so that the plaintiff by it should have been barred of his action, the justices forthwith cause the party who first recovered, to be warned that he be at a certain day, at which the defendant may have again his seisin and damages, if he paid any before by the first judgment, together with the damages which he sustained after the first judgment given, which shall be restored him twofold, as aforesaid; and nevertheless that he who first recovered be punished by imprisonment according to the discretion of the justices. In the same manner if Proceedings on the defendant, against whom the assise passed in his absence, show any pleaded by charters or quit claims, upon the making of which the jurors were not delendant's examined, nor could be examined, because there was no mention made absence. of them in pleading, and by probability they might be ignorant of the making of such writings, that the justices, upon the sight of those writings, cause the party that recovered, to be warned that he appear at a certain day, and cause the jurors of the same assise to come; and if he verify those writings by the verdict of the jurors, or perchance by enrolment, that he who purchased the assise contrary to his own deed, be punished by the penalty aforesaid. And the sheriff from henceforth shall not take an ox from the disseisee, but from the disseisor only; and if there be many disseisors named in one writ, yet shall he be contented with one ox; nor shall receive any ox save of 5s. 4d. price, or the value.

XXVI. In writs of redisseisin, from henceforth double damages shall Of redisseisin. be awarded, and the redisseisors shall not be repleviable hereafter by the common writ. And as in the statute of Merton the same writ was provided for those who were disseised after they had recovered by assise of novel disseisin, mortd'ancestor, or other juries, so from henceforth the same writ shall further hold place for those who have recovered by default, reddition, or otherwise, without recognition of assises or juries.

De allocacione essonii post inquisicionem.

Postq^a aliquis posuerit se in inqⁱsicom ad prim diem allocet^r ei essoniu set ad alios dies sequentes p esson no differat^r capcio inquisiconis siue prius habuit esson siue no. Nec admittat^r esson post diem datum prece parciu in casu quo partes cosenciunt venire sine esson.

C. Cvm p statutū Gloucestr̃ statuatr q̃d postq stenentes semel comparuerint no allocetur eis essoñ in breuib3 assisa,, eodem modo decelo obsuetr de petentib3.

De transgres-

Breue de transgressione ad audiend & Pminand decelo no concedat coram aliquibus Justiciar exceptis Justic de vtroq Banco & Justic Itinerant nisi p enormi tansgressione vbi necesse est festinu apposte remediu, dus Rex de speciali gra hoc duxit concedend. Nec eciam concedat decelo bre ad audiend & Pminand appella coram Justiciariis assign nisi in speciali casu & certa causa dus Rox hoc pcepit, set ne hui?modi appellati vel indictati diu detineant in pisona heant bre de odio & atya sicut in magna Carta & aliis statutis dem est.

De assignacione Justiciariorum in Comitatibus.

Assignent decelo duo Justič iurati coram quiba * no aliis capiant assie noue dissie mortis ancessor e attincte e associant sibi duos vi vnū de discrečoriba mittiba Com in quem venint e capiant assisas pdcas e attinctas ad plus ter p annu vid; semel in quindenam sci Johis Bapt & gulam Augeti et i um in? festum Exaltacionis sce crucis e octabis sci Michis et ?cio in? festum Epiphie & festu Pur beate Marie et in quolibet Com ad qualibet capcom anteq i recedant statuant diem de reditu suo ita qd omes de Com scire possint eos aduentum et de l'mino in l'minu adiornent assis si p vocacom Waranti p esson p defem recognitor, si ad vnu die capcio eos differatur. Et si aliqua de causa viderint qd vtilis sit qd assisa mortis antecessoris p essoñ vel vocačom Waranti respectuate adiornent in Banco liceat eis hoc face. Et tüc mittant Justic de Banco recordum cu bri originali. Et cum loquela pueniat ad capcom assie remittat^r loquela cū bri originali p Justic de Banco ad priores Justiĉ coram quib3 capiatr assisa, set decelo dent Justic de Banco in hui modi assis adminus quatuor dies p annū,

XXVII. After anyone shall have put himself upon an inquest, an essoin Allowance of shall be allowed him at the next day; but at the other days following, inquest. the taking of the inquest shall not be delayed by essoin, whether he were essoined before, or not; nor shall any essoin be allowed after a day given prece partium, in case where the parties consent to come without essoin.

XXVIII. Whereas by the statute of Gloucester it is provided, that No essoin for demandant. after the tenants shall have once appeared, no essoin be allowed them in writs of assises; in like manner it shall be from henceforth observed of demandants.

XXIX. A writ of trespass, ad audiendum & terminandum, from hence- Of trespass. forth shall not be granted before any justices, except justices of either Bench, and justices in eyre, unless it be for a heinous trespass, where it is necessary to provide speedy remedy, and the lord the King of his special grace has thought it good to be granted. And from henceforth a writ to hear and determine appeals before justices assigned shall not be granted, except in a special case and for a cause certain the lord the King shall have commanded it. But lest the parties appealed or indicted be kept long in prison, they shall have a writ de odio & atia, as it is declared in Magna Charta and other statutes.

XXX. From henceforth two Justices sworn shall be assigned, before Assignment of whom, and not others, assises of novel disseisin, mortd'ancestor, and counties. attaint shall be taken, and they shall associate with them one or two of the most discreet knights of the county into which they shall come; and they shall take the aforesaid assises and attaints, at the most, thrice in the year; that is to say, once between the quinzaine of Saint John the Baptist and the gule of August; and again, between the feast of the Exaltation of the Holy Cross, and the utas of saint Michael; and the third time, between the feast of the Epiphany and the feast of the Purification of St. Mary; and in every county, at every taking of assises, before their departure, they shall appoint the day of their return, so that every one of the county may know of their coming, Adjournment and shall adjourn the assises from term to term, if the taking of them of Assises. be deferred at any day by vouching to warranty, by essoin, or by default of recognitors. And if for any cause they see that it be profitable that assises of mortd'ancestor, being respited by easoin or vouching to warranty, ought to be adjourned into the Bench, it shall be lawful for them to do it. And then they shall send the record with the original writ to the justices of the Bench; and when the plea is come to the taking of the assise, the justices of the Bench shall remit the plea with the original writ to the former justices before whom the assise shall be taken. But from henceforth the justices of the Bench in such

¹ Properly Westminster I. (see c. 42).

Coram pfatis Justic assign vt parcat laboriby & expens atl'minent^r inquisicões capiende de transgressionib; placitatis coram Justic de vtroq Banco nisi ita enormis sit tansgressio qd magna indigeat examinacione, at?minentr eciam cori eis inquisiciones de aliis placitis placitatis in vtroq Banco in quib3 facilis est examinacio vt quando dedicitr ingressus vel seisina alicui, vel in casu cu de vno articulo sit inquirend. Set inquisicio de grossis placitis e plurib3 articulis que magna indigent examinacione capiant^r coram Justic de Bancis nisi ambe partes petant qd inquisicio capiatr coram aliquib; de societate cum in partes illas vefint quod decelo no fiat nisi p duos Justič vel vnū cū aliquo milite de Com in que ptes consenciut nec ateminent hui modi inquisicones coram aliquiba nisi statuat^r clus dies & locus in Com in Bsencia parciū « dies « locus īserant^r ī bři de Judičo p hec verba. Precipim⁹ tibi qd venir fac coram Justic apud Westm in octabis sci Michis nisi talis e talis tali die e loco ad ptes illas venerint Et cū hui modi inquisicones capte fuerint retornent in Bancis & ibi fiat iudiciū & inirrotulentr. Et si omissa forma predicta alique inquisicones capiant^r p nullis habeant^r excepto qd assisa vltime psentacionis & inquisicones sup quare impedit atterminent in pprio Com coram vno Justiciar de Banco & vno milite ad êtos tamen diem & locum in Banco statutos siue defendens cosenciat vel no e ibi statim reddatur iudiciu. Heant de celo omes Justic de Bancis * Itifib3 cticos irrotulantes omnia placita coram eis placitata sicut antiquit, hre consuedut.

Ne Justiĉ compellant Juratores.

Item ordinatum est qd Justic ad assisas capiend assignati no compellant Juratores dre precise si sit disseisit9 vel no dumo voluerint dice veritatem fci a pere auxilium Justic, set si sponte velint dice qd disseis est vel no admittat eos dcm sb suo pičlo. Et decelo no ponant Justič in assisis aut Juratis aliquos Juratores nisi eos qui ad hoc pimo fuerint sumoniti.

De excepallocatis.

Cvm aliquis implacitat? coram aliquib3 Justic pponat propositis non excepcom « petat qd Justiciar eam allocent quam si allocare noluerint si ille qui excepcom pponit scribat illam excepcom

assises shall give four days at the least in the year. Inquisitions to be Inquisitions of Trespass to be taken of trespasses pleaded before the justices of either Bench shall be attermined beattermined before the said justices assigned, to spare labour and expense, 1 fore Justices. except the trespass be so heinous that it shall require great examination; inquisitions also of other pleas pleaded in either Bench, shall be attermined before them, in which the examination is easy, as when the entry or seisin of any is denied, or in case when one article is to be inquired of; but inquisition of great pleas and many articles, which require great examination, shall be taken before the justices of the Benches, unless both parties desire that the inquisition be taken before some of the associates when they shall come into those parts; so that from henceforth it shall not be done but by two justices, or one, with some knight of the county, upon whom the parties agree; and such inquisitions shall not be attermined before any, unless a day and a place certain be appointed in the county, in presence of the parties, and the day and place inserted in a writ of judgment in these words:-Praecipimus tibi quod venire facias coram justiciariis apud Westmonasterium in octabis Sancti Writ of Nisi Michaelis, nisi talis & talis tali die & loco ad partes illas venerint, duodecim, &c. And when such inquests be taken, they shall be returned into the Benches, and there shall judgment be given, and they shall be inrolled. And if any inquisitions be taken otherwise than after this form, they shall be of no effect, except that an assise of darrein Assis presentment and inquisitions of quare impedit shall be attermined in ment and quart their own county before one justice of the Bench and one knight, at attermined in a day and place certain in the Bench and one knight, at attermined in a day and place certain in the Bench assigned, whether the defendant their counties consent or not, and there the judgment shall be given immediately. All justices of the Benches and in eyres from henceforth shall have clerks to inroll all pleas pleaded before them, as in old times they

And also it is ordained that the justices assigned to take assises shall Justices shall not compel the jurors to say precisely whether it be disseisin or not, jurors. provided that they will tell the truth of the fact, and require aid of the justices; but if they will freely say that it is disseisin or not, their vardict shall be admitted at their own peril. And from henceforth the justices shall not put in assises or juries any other jurors than those who were summoned to the same at the first.

were wont to have.

XXXI. When one that is impleaded before any of the justices alleges As to excep an exception, and prays that the justices will allow it, which if they will not allowed. not allow, if he who alleged the exception write the said exception.

¹ See writ (Plea Roll, 5 Ed. II., m. 24, art. 102) directing enforcement of this chapter as to inquisitions of Trespasses, Cos. Cork, Limerick and Tipperary.

* petat qd Justič apponat sigillū suū in testimoniū, Justič sigili suū apponat * si vnus appose noluerit apponat alius de societate. Et si forte ad querimoniam de fčo Justič veniř fač dňs Rex record coram eo * illa excepcio nō inueniat in rotulo * querens ostendat excepcom sciptam cū sigillo Justič appenso; mandet Justič qd sit ad etum diem ad cognoscend sigillū suū vel dedicend. Et si Justič sigillū suū dedice nō possit peedat ad iudiciū scdm illam exepcom put admitēda esset vi cassanda.

De Religiosis

Cvm religiosi € alie psone eccastice implacitent alique € implacitat' fecit defaltam ob quam tenementum amitle debeat quia Justiciar hucusq timuerunt qd si implacitat? fecit defaltam p collusione vt cum petentes occasione statuti per titulum doni aut alterius alienacionis seisinam de teñ consequi no possent per illam defaltam consequerent e sic fierit fraus statuto; ordinatū est p dnm Regē e concessum qd in hoc casu postq^a defalta fca fuerit inquirat^r p priam vtrū petens heat ius in sua peticione aut no. Et si comptū fflit qd bdcs petēs ius habuerit pcedat^r ad iudiciū p petente * recupet seisinam suam, et si ius no habuerit incurrat^r teñ pximo đno feodi si illud petat infra annu a tempore inquisicionis capte. Et si infra annu no petat; supiori dno incurrat^r si petat infra dimidiū post illū annū. řest quilibz dňs post přm dňm spacium dimidii anni ad petend successione quousq pueiatr ad Regem cui ad vltimu p defectu alioz dnoz tenementū incurratr. Et ad calumpniand Juratores inquisicionis admittantr quicuq capitales dni feodos * similit p Rege qi calupniare voltit. Et remaneat terra postq i iudiciū clarū fūit in manū đni Regis quousq teñ p petente vel p alique capitale dim disconet et offetur vic ad respondend ad scecm.

De hiis qui erigunt cruces in tenemetis suis. Qvia multi tenētes erigunt cruces in ten suis aut eriģe pmittūt in piudiciū anos suos vt tenētes p piulegia templarios hospitalarios tueri se possent conta capitales anos feodos; statutum est ad hui?modi ten capitaliba ant Regi incurrant eodem modo quo statuit alibi de ten alienatis ad manum mortuam.

and require that the justice affix his seal in testimony, the justice shall affix his seal; and if one will not, another of his fellows shall affix And if the lord the King, upon complaint of what the justices have done, cause the record to come before him, and that exception be not found in the roll, and the plaintiff shew the exception written, with the seal of a justice affixed, the justice shall be commanded to appear at a certain day, to confess or deny his seal; and if the justice cannot deny his seal, they shall proceed to judgment according to the said exception, as it ought to be allowed or disallowed.

XXXII. When men of religion and other ecclesiastical persons im. As to Religious plead anyone and the party impleaded shall have made default, persons. whereby he ought to lose the tenement, forasmuch as the justices have hitherto feared that if the party impleaded shall have made default by collusion, that where the demandants, by occasion of the statute, could not obtain seisin of the tenement by title of gift, or other alienation, he should obtain it by reason of the default, and so fraud would be done by statute; it is ordained by the lord the King, and granted, that in this case, after default shall have been made, it be inquired by the country, whether the demandant have right in his petition, or not; and if it be found that the said demandant shall have had right, that it pass to judgment for the demandant, and he recover his seisin; and if he have not right, that the tenement accrue to the next lord of the fee, if he demand it within a year from the time of the inquest taken; and if he do not demand it within the year, it accrue to the next lord above, if he demand it within half a year after that year. And so every lord after the next lord may have the space of half a year to demand it successively, until it come to the King, to whom at length, through default of other lords, the tenement shall accrue; and to challenge the jurors of the inquest, that each of the Challenge of chief lords of the fees be admitted, and likewise he who wills to the jurore challenge for the King; and after judgment shall be clear, the land remain in the King's hand, until the tenement be deraigned by the demandant, or some other chief lord, and the sheriff be charged to answer at the Exchequer.

XXXIII. Forasmuch as many tenants set up, or permit to be set up, Of those who crosses in their tenements, in prejudice of their lords, in order that the in their tenants may defend themselves against the chief lords of the fees, by tenements. the privileges of Templars and Hospitallers; it is ordained, that such tenements be forfeited to the chief lords, or to the King, in the same manner as is provided elsewhere as to tenements aliened in mortmain.

De mulieribus et puellis raptis. Purueu est q si home rauist femme espouse damoysele ou autre femme desoremes p la ou ele ne se est assentue ne auaunt ne apres, eit iugement de vie « de membre. Et ensement par la ou home rauist femme dame espouse damoysele ou autre femme a force; tut seit q ele se assente apres, eit tiel iugement come deuaunt est dit si il seit ateint a la suite le Rey « la eyt le Rey sa suite.

De mulieribus abductis.

De mulieriba abductis cum bonis viri heat Rex sectam de bonis sic asportatis. Et vxor si sponte reliquerit virum suum « abierit « moret^r cum adultero suo amittat imppetuum actionem petendi dotem suam que ei compete posset de teñ paci viri sui si sup hoc conuincat^r, nisi vir suus sponte « absq concione eccastica ea reconciliet « secum conitare pmittat, in quo casu restituatur ei actio.

De monialibus abductis.

Qui monialem a domo sua abducat, licet monialis consenciat puniat^r p pⁱsonā trium annoş & satisfaciat domui a qua abducta fflit competent⁰ & nichilomin⁹ redimat^r ad voluntatem Regis.

De pueris siue masculis.

De pueris siue masculis siue femelt quos maritagiū ad alique ptineat raptis & abductis & ille qui rapuit no habens ius in maritagio, licet post restituat puerum no maritatum vel de maritagio satisfecit, puniatr tamen p tensgressione p prisonam duoz annoz. Et si no restituit vel heredem post annos nubiles maritadit e de maritagio satisface no polit; abiuret regnum vel habeat ppetuam pisonam. Et sup hoc habeat querens tale breue. Si A. fecit te secur ec pone p vad E B. qd sit cora Justic nris tali die ostens quare talem heredem infra etatem existentē cui maritagiū ad ipm ptinet tali loco inuentum rapuit & abduxit conta voluntatem ipius A. & conta pacem &c. Et si heres sit in eodem Com tuc addat^r ista clausula. Et diligenter inquiras vbi ille heres est in Balliua tua & ipm vbicuq fuerit inuent? capias et saluo & secure custodias ita qd eum heas coram pfatis Justič nris ad Bfatu Eminum ad reddenct cui Bdcos A. vel B reddi debeat. C. Et fiat secta versus partem de qa quer quousq per districtione venit si heat p quod distringi polit

XXXIV. It is provided, that if a man from henceforth do ravish a Rape of married woman, a maid, or other woman, where she did not consent, girls. either before or after, he have judgment of life and of limb; and likewise where a man ravishes a woman, married lady, maid, or other woman, with force, although she consent after, that he have such judgment as beforesaid, if he be attainted at the King's suit, and there the King have his suit.

Of women carried away with the goods of a husband, the King Of women shall have the suit for the goods so taken away. And if a wife willingly leave her husband, and go away, and continue with her adulterer, she shall be barred for ever of action for demanding her dower, that she ought to have of her said husband's tenements, if she be convict thereupon, unless her husband willingly, and without coercion of the church, become reconciled to her, and suffer her to dwell with him: in which case action shall be restored to her.

He who carries away a nun from her house, although the nun Taking away consent, shall be punished by three years' imprisonment, and shall make suitable satisfaction to the house from whence she was taken, and nevertheless shall make fine at the King's will.

XXXV. Concerning children, male or female, taken and carried Taking away away, whose marriage belongs to any person, if the ravisher have no right in the marriage, though afterwards he restore the child unmarried, or else shall have made satisfaction for the marriage, he shall nevertheless be punished for his offence by two years' imprisonment. And if he shall not restore, or shall have married the heir after marriageable years, and be not able to satisfy for the marriage, he shall abjure the realm, or have perpetual imprisonment; and thereupon the plaintiff shall have such a writ :- Si A. fecerit te securum, &c., Writ of pone per vadium, &c., B. quod sit coram justiciariis nostris tali ravishment of die ostensurus, quare talem haeredem infra aetatem existentem, cujus maritagium ad ipsum pertinet, tali loco inventum rapuit & abduxit contra voluntatem ipsius A. & contra pacem, &c. And if the heir In the proper be in the same county, then this clause must be thereto added: -Et county diligenter inquiras, ubi ille haeres est in balliva tua; & ipsum (ubicunque fuerit inventus) capias & salvo & secure custodias, ita quod eum habeas coram praesatis justiciariis nostris ad praesatum terminum, ad reddendum cui praedictorum A. vel B. reddi debeat. And let suit be made against the party of whom complaint is made, until he shall

vel p cotumaciam si no sit iusticiabilis exigat" e vtlaget". Si forte hui⁹modi heres ducat^r & transfera^r in alium Com tüc vič illius Com fiat bre sub hac forma. C. Questus est nobis A. qd B. nup talem heredem infra etatem & in custodia sua existente tali loco in Com tali rapuit & de Com illo ad talem locum in Com tuo abduxit conta voluntatem ipius A. & pacem Et ideo tibi Beipim, ad Bdem herede vbieuq eum in Balliua tua inueniri polis capias & saluo & secure eum custodias ita qd eu heas corā Justic nris tali die 🛭 loco quē diem idem A. habet versus fdcm B. ad reddend cui de iure reddi debeat. Et si heres anteqă inueniri polit vel anqă restituat querenti obierit nichilomin' peedat placitum in eos quousq eminer cui restitui deberet si supstes fuisset nec excusabit^r aut alleniabit^r ille qui īuiste rapuit hui⁹modi heredem de pena supadca post morte hered cui' extitit male fidei possessor dum vixit. Et si querens obierit ante placitū iminatū si ius ei competebat racione pprii feodi sui resumoneat' loquela ad sectam hered querentis & pcedat placitum debito ordine, si vero p alium titulum đno competat ei ius sicut titulo donacionis vendicionis aut alio huiºmodi titulo; tūc resum loquela ad sectā executor querentis e pcedat placitū vt pdcm est. Eodem modo si moriat^r pars defendens anteq placitum Pminetr vel heres restituatr, pcedat placitum p resumoñ in? querentem vel eius heredem seu executores & executores defendentis vel eius heredem si executores no sufficiant quo ad satisfactom de valore maritagii scdm quod in aliis statutis continetur, set no quo ad penam prisone qua quis p alieno fco no est puniendus. Eodem modo cum pendeat placitum in partes de custodia terre vel heredis vel vtiusq p cõe bre quod incipit. Precipe tali qd reddat &c fiat resum in? heredes & executores querentis. Et similiter heredes aut executores defendentis si mors alteram partem Bueniat ante placitum iminatum. Et cum pueniatur ad magnam districcom detur fininus infra tres Comitat's teneant ad minus. In quoz

¹ This word does not occur in other MSS.

come in by distress, if he have whereby he may be distrained; or else for his contumacy, if he be not brought to justice, he shall be proclaimed and be outlawed. If perchance such heir be carried Writ, if heir and transferred into another county, then a writ shall be made to another county the sheriff of that county in this form :- Quaestus est nobis A. quod B. nuper talem haeredem infra aetatem & in custodia sua existentem tali loco in comitatu tali rapuit, & de comitatu illo ad talem locum in comitatu tuo abduxit contra voluntatem ipsius A. & pacem nostram. Et ideo tibi praecipimus, quod praedictum haeredem (ubicunque eum in balliva tua invenire poteris) capias, & salvo & secure eum custodias, ita quod eum habeas coram justiciariis nostris, tali die & loco quem diem idem A. habet versus praedictum B. ad reddendum cui de jure reddi debeat. And if the heir die before he can be found, or before he can be restored to the plaintiff, nevertheless the plea shall proceed between Death of heir them, until it be decided to whom he ought to have been restored if ended. he had been living; neither shall he who unjustly ravished such an heir be excused or relieved of the punishment aforesaid after the death of the heir, whom he became possessed of by wrong while he lived. And if the plaintiff die before the plea be determined, if the right belonged to Death of him by reason of his proper fee, the plea shall be resummoned at the suit plaintiff. of the heir of the plaintiff, and the plea shall proceed in due order; but if the right belong to him by another title, as by a title of gift, sale, or other such like title, then the plea shall be resummoned at the suit of the executors of the plaintiff, and the plea shall proceed as beforesaid.

In the same manner if the defendant die before the plea be tried, Death of or the heir be restored, the plea shall proceed by resummons between the plaintiff, or his heir or executors, and the executors of the defendant, or his heir, if the executors be not sufficient to satisfy for the value of the marriage, according as it is contained in other statutes, but not as to the penalty of imprisonment, for none ought to be punished for the offence of another. In the same manner when a plea is pending Resummons between parties as to custody of land, or of an heir, or of both, by the custodia. common writ which begins Praecipe tali, quod reddat, etc., resummons shall be made between the heirs and executors of the plaintiff, and likewise the heirs or executors of the defendant, if death prevent the other party before the plea is determined; and when it has passed to the great distress, a term shall be given, within which three county

quolibet Comitatu fiat publica pelamacio qd defore veniat ad Bancu ad diem in bri contentu respons querenti. Ad quem diem si no vessit e pelamacio sit semel sedo e seio testificata suerit, peedatur ad iudiciu p querenti saluo iure desendentis si postmod inde loqui voluerit. Eodem modo siat in bri de tansgressione cum quis querit se eiectum suisse de huismodi custod.

De procurantibus placita per maliciam.

Qvia đni Cur * alii qui Curias tenent * senescalli volentes grauare subditos suos cum no heant legale viam eos grauandi pcurant alios mouere querelas vers, eos e dare vad e offerre plegios vel impetrae bria & ad sectas hui9modi querenciù compellunt eos sequi Com Hundr & Cur quousq. finē fecint cū ipis p voluntate sua; statutū est qd hoc deceto no fiat. Et si aliquis p hui'modi falsas querimonias fûit attachiatus replegiet districcom suā sic captam e poni faciat loquelam corā quibz si vič vel alius Balliuus vel dñs postq sic districtus formatit querimonia districcom iustam rone hui modi querimoniaz coram eis fcaz * replicet^r qd hui⁹modi querimonie versus eos mouebant^r maliciose ad instanciam seu peuracom vic vel alios Balliuos Et si sup hoc conuicti aut dnos admittat^r illa replicaco. füīt versus dīm Regem redimant^r & nichilomin⁹ hui⁹modi sic grauatis dampna in triplo restituant.

Quod districtio fiat per Balliuos notos.

Qvia eciam Balliui ad quos ex officio ptinet districcones face grauare volentes subditos suos vt ab eis pecuniam extorqueant mittunt ignotos ad faciend districcoes ea intencione vt subditos grauare possent p hoc qd sic districti no hentes noticia psonar no pmittut hui modi districcones sup eos fieri; statutu est qd nulla districtio fiat nisi p Balliuos Jur notos. Et distingentes si alio modo fecint & de hoc couicti funt si gauati bre de tansgressione impetauerint restituant grauatis dampna et vs Regem graui? puniant.

De hiis qui debent poni in assisis. Qvia eciam vicecomites hui²modi¹ Balli libtatum consuefunt grauare subditos suos ponendo in assis Jur homines languidos

¹ The English Statute Roll reads "hund" "here.

courts at the least may be held, in every of which open proclamation shall be made, that the deforcer come into the Bench at the day contained in the writ, to answer the plaintiff; at which day if he come not, and the proclamation be so returned once, twice, and thrice, the judgment shall pass for the plaintiff, saving the right of the defendant, if afterwards he wishes to plead thereof. In the same manner it shall The like in be done in a writ of trespass, when anyone complains that he was custodie. ousted from such custodies.

XXXVI. Forasmuch as lords of courts, and others who hold courts, and Of those who seneschals, intending to harass their tenants, where they have no lawful through means of harassing them, procure others to move complaints against malice. them, and to give gages and offer pledges, or to purchase writs, and at the suit of such plaintiffs compel them to follow the county, hundred, and courts, until they shall have made fine with them at their will; it is ordained, that it be not henceforth so done, and if any be attached upon such false complaints, that he replevy his distress so taken, and cause the plea to be brought [before the justices], before whom if the sheriff, or other bailiff, or lord, after that the party distrained shall have framed his plaint, will avow the distress lawful by reason of such complaints made before them, and it be replied that such complaints were moved maliciously against them by the solicitation or procurement of the sheriff, or other bailiffs, or lords, that replication shall be admitted; and if they be convict hereupon, that they make fine to the King, and nevertheless restore treble damages to the parties so injured.

XXXVII. Forasmuch also as bailiffs, to whose office it belongs to That distress make distresses, intending to harass those within their jurisdiction that bailiffs known. they may exact money from them, send strangers to make distresses. to the intent that they might harass such, by reason that the parties so distrained, not knowing such persons, will not suffer such distresses . to be made upon them; it is provided, that no distress be made, but by bailiffs sworn and known. And if those distraining shall do otherwise, and thereof be convict, if the parties injured will purchase a writ of trespass, they shall restore damages to the parties injured, and be heavily punished towards the King.

XXXVIII. Forasmuch also as sheriffs, [hundreders], and bailiffs of Persons who liberties, have used to harass those within their jurisdiction by putting ought to be

decrepitos ppetua vel temporali infirmitate languentes homines eciam tempore sūmoničonis sue in pria no comorantes sūmonēdo eciam effrenatam multitudinē Juratoz ita vt sic a quibzda eos in pace dimittendo pecuniam extorqueant * sic fiunt assie & Jur multociens p paupiores diuitib; p suo dando domi comorantiba; statutu est qd de celo no sumoneant in vna assisa plures q a viginti quatuor senes € videlicet vltra sexaginta & decem annos ppetuo languidi vi tempore sūmoničois infirmi vel in patria no comorantes no ponantr in Juratis vel in minorib; assiš nec eciā ponant in assiš aut Jur licet in ppio Com capi debeant aliqui qui min9 ten teneant qă de valore viginti solidoz p annū. Et si hui?modi assise & Jurate extra Comitatū capi debeant, no ponati in eis aliquis qui minus tenementū habeat qā ad valenciam Quadraginta solidos p annū illis exceptis qui testes sunt in Cartis vi aliis scriptis quoz psencia posital est dum tamen potentes sint ad laborandū. Nec deb3 istud statutū extendi ad magnas assisas in quibz optet aliquando pose milites in patia no residentes ppo paucitate militum dum tamen teñ in Com heant. Et si vicecomites vi subvic sui seu Balli libtatū conta istud statutū in aliquo articulo vefiint & sup hoc couincant^r, restituant dampna grauatis et nichilomin⁹ sint in mia Regis; et heāt Justic ad assis a capiend assignati cū in Com vestint potestatem audiendi querimonias singulos coquerenciu quo ad articulos in isto statuto contentos e iusticiam in forma fdca exhibend.

De vicecomitibus male retornantibus breuia.

Qvia Justič ad quor officiū spectat vnicuiq coram eis placitanti iusticiam exhibere frequencius impediunt quo min officiū suū debito modo exequi possunt p hoc q̃d vič breuia originalia ε iudicialia nō retornant p hoc ε q̃d ad breuia Regis falsum retornant responsum puidit dñs Rex ε ordinauit q̃d illi qui timent maliciā vič liberent breuia sua originalia ε iudicialia in pleno Com vt in retro Com vti fit collectio denarior dni Regis ε capiat bilettū de vič βsente

in assises and juries men diseased, decrepit, or having chronic or temporary sickness, also men who dwelt not in the country at the time of their summons, and also by summoning an unreasonable number of jurors, to extort money from some of them for letting them go in peace, and so the assises and juries pass many times by poor men, while the rich men abide at home by reason of their bribes; it is ordained, that from henceforth in one assise no more be summoned than twertyfour; and that old men, above threescore and ten years, men continually sick, or infirm at the time of the summons, or not dwelling in that country, be not put in juries or petit assises: nor that any be put in assises or juries, though they ought to be taken in their own county, who hold a tenement of less value than twenty shillings yearly. And if such assises and juries ought to be taken out of the county, none be placed in them who have a tenement worth less than forty shillings yearly, except such as are witnesses in charters or other writings, whose presence is necessary, provided they are able to work. Nor ought this Exception as to statute extend to great assises, in which at times it behoves knights not resident in the country to be placed, owing to the scarcity of knights, provided that they have tenements in the county. And if sheriffs, or their under-sheriffs, or bailiffs of liberties, offend in any point against this statute, and thereupon be convicted, that they restore damages to the parties injured, and they nevertheless be amerced to the King; and that justices assigned to take assises, when they come into the county, have power to hear the plaints of all complainants as to the articles contained in this statute, and to minister justice in form aforesaid.

XXXIX. For a smuch as justices, to whose office it belongs to minister Of sheriffs making false justice to each one suing before them, are many times hindered in due returns to execution of their office, because sheriffs do not return writs original write. and judicial; and also because they make false return to the King's writs; the lord the King has provided and ordained, that those who fear the malice of sheriffs, deliver their writs original and judicial in the full county court, or in the rere county court, where the collection of the King's money is made; and a bill be taken of the sheriff, being present,

vi subvič in quo biletto contineant noia parciū * tenemento} Et ad requisicom illius qui bre liberauit que noian; in bri. apponat^r sigillū vič vi subvič in testimon * fiat mencio de die liberaconis breuis. Et si vicecomites vi subvic hui modi biletto sigilla sua apposte nolflint, capiatr testimoniù militum e alios fidedignos qui psentes fuint qui sigilla sua hui modi biletto apponant. Et si vič břia sibi liberata no retornadit * sup hoc ad Justič pueniat querimonia mandet^r per breue de Judicio Justic ad assis*s capiend assign qd inquirant p eos qui psentes filint quando bre vic liberatu fuit si sculint Et si comptū füit de illa liberacone * inquisicio retornet^r. p inquisicom qd bre ei fuit libatum adiudicent petenti vel querenti dampna habito respectu ad quantitate * qualitate actionis * ad piculum quod ei euenire posset p dilacom qua paciebat^r. Multociens eciam capiunt placita difonem p hoc ad vic respondet ad Beepit Ballis alicuis libertatis qui nichil fecunt & noiat libtates que nuq a returnu briu habuerunt pp? quod ordinauit dñs Rex qd Thesaurarius de scacio liberet in rotulo omnes libtates in quib3cuq Comitatib3 que habent Et si vič respondet qd returnū fecit Balliuis returnū breuiū. alterius libtatis qă alicui contente in pdco rotulo statim puniatr vič tamu a exheredator Regis & Corone sue. forte respondet qd retornauit Ballis alicui? libtatis que veracit^r returnū habet mandet vič qd no omittat ppf quin exequatr Beeptū dni Regis, libtatem qd scire faciat Ballis quibz fecit returnu qd sint ad diem in bři contentů ad respondenď qere de pcepto dni Regis execución no fecunt. Et si ad diem veriint * se acquetent ad returnu no fuit eis fcm, statim condampnet vic dno illius libtatis e sitr parti lese p difonem in restitucom dampnoz. Et si Balli ad diem no venerint vel venint a supadco modo se no acqietaffint in quolibet bri de iudicio qadiu durat placitū Beipiati vič qd no omittat ppf libtate zc. Multociens eciā falsum dant responsum quo ad illū articulū qd de exitib; *c mandantes aliquando è mēcientes qd nulli sunt exitus aliquando qd parui sunt exitus cu de maiorib; respondere

or undersheriff, in which bill the names of the parties and tenements named in the writ shall be contained; and that at the request of him who delivered the writ, the seal of the sheriff or undersheriff be put in testimony, and mention be made of the day of the delivery of the writ. And if the sheriffs or undersheriffs will not put their seals to such bill, the testimony of the knights and other credible persons who shall be present, who put their seals to such bill, be taken. And if the sheriff shall Remedy for not have returned write delivered to him, and complaint thereof come to writethe justices, that a writ of judgment go to the justices assigned to take assises, that they inquire by those who were present at the delivery of the writ to the sheriff, if they knew of that delivery, and an inquest be returned. And if it be found by the inquest, that the writ was delivered to him, that damages be awarded to the demandant or plaintiff; having respect to the quantity and quality of the action, and to the peril that might have come to him by reason of the delay that he sustained. [And that by this means there be remedy, when the sheriff returns that the writ came so late, that he could not execute the King's commandment.]

Oftentimes also pleas are delayed by reason that the sheriff returns Where a that he has commanded the bailiffs of some liberty who did nothing returned. therein, and names liberties that never had the return of writs; whereupon the lord the King has ordained, that the treasurer of the Exchequer deliver [to the justices] in a roll, all the liberties in all counties that have return of writs. And if the sheriff answer that he has made return to the bailiffs of another liberty than of any contained in the said roll, the sheriff be forthwith punished as a disheritor of the lord the King and his crown. And if perchance he answer that he has made return to the bailiffs of some liberty that indeed has return, the sheriff be commanded, that he omit not by reason of the aforesaid liberty, but execute the lord the King's precept; and that he cause the bailiffs to whom he made return to know that they be ready at a day contained in the writ, to answer wherefore they did not execute the lord the King's precept; and if they shall come at the day, and acquit themselves, that no return of the writ was made to them, the sheriff be forthwith condemned to reader damages to the lord of that liberty, and likewise to the party injured by the delay, And if the bailiffs shall not come at the day, or shall come and not acquit themselves, in manner aforesaid, in every writ of judgment, so long as the plea depend, the sheriff be commanded that he omit not by reason of the liberty, &c.

Many times also [sheriffs] make false return as touching this article, Sheriffs' false quod de exitibus, &c., returning sometimes, and lying, that there are no issues.

This sentence which is not in the Red Book is from the English Statute

possint, aliquando no facientes mencione de exitiba ppl quod ordinatū est & cocordatum qd si querens petat auditum responsionis vič, concedatur ei. Et si offerat verificare qd vič de maiorib3 exitib3 respondere potuit, fiat ei bre de Judicio ad Justic ad assisas capiendas assign qd inquirant in psencia vic si infesse voluit de quib; « quantis exitib; vic respondere potuit a die recepcionis bris vsq ad diem in breui contentu. Et cum inquisicio retornata fuit si de pleno prius non respondit offetr de supplusagio p extractas libatas ad scacm * nichilomin9 grauiter amciet p concelamento. Et sciat vic qd redditus blada in grangia & omia mobilia preter equitatura indumenta & vtensilia dom' continet sub nõie exituu. Et Beept das Rex ą̃d vič p hui⁹modi falsis responsis semel € iterum si sit necesse Et si tertio deliquerint alius no apponat castigēt^r p Justič. Multociēs eciam falsum dant responsum manū qā dñs Rex. mandando qd no potflut psequi pceptu Regis pp? resistencium potestatis alicui" magnatis, de quo caueant vicecom decelo quia hiºmodi responsio multū redundat in dedecus đni Reg; * qăcito sub Balliui sui testificentur qd inuenerut hui?modi resistenciam, statim omib; omissis assūpto secū posse Com sui eat in ppria psona & faciat execucom. Et si inueniat sub Ballios suos mendaces puniat eos p prisonam ita qd alii p eos penam castigentr. Et si inueniat eos veraces, castiget resistentes p pisonam a qua no deliberent^r sine speciali Bcepto dni Regis. Et si forte cum vič vesit resistencia inuestit stificet Curiam de nõib; resistenciu auxilianciu consencienciu Bcipienciu & fautos * p bre de iudicio attachient hui modi p corpora ad veniend ad Cur. Et si de hi⁹ resistencia couincant^r puniant^r scdm ad đno Regi placilit, nec intromittat se aliquis minister đni Reg de pena hui'modi infligenda q dñs Rex hoc sibi spali? reseruat p eo qd hui⁹ modi resistentes censent^r pacis sue * regni sui pertrbatores.

De iure alienato per virum. Cvm quis alienet ius vxoris sue, concordatum est qd decelo secta mulieris aut eius heredis no differat^r post obitū viri p minorē etatē heredis qui Warantizare debet set expectet emptor qui ignorare no debuit qd ius alienū emit vsq ad etatē Waranti sui de Warantia sua habenda.

issues, sometimes that the issues are small when they might return great, and sometimes not making mention of any issues; wherefore it is ordained and agreed, that if the plaintiff demand hearing of the sheriff's return, it be granted him: and if he offer to aver that the sheriff might have answered of greater issues, that he have a writ of judgment to the justices assigned to take assises, that they inquire in presence of the sheriff, if he wish to be there, of what and how great issues the sheriff might have answered from the day of the receipt of the writ unto the day contained in the writ. And when the inquest shall have been returned, if he have not before answered for the whole, that he be charged with the overplus by estreats delivered in the Exchequer, and nevertheless be heavily amerced for the concealment. And let the sheriff know that What shall be rents, corn in grange, and all movables, except harness, clothing, accounted issues. and household stuff, be contained under the title of Issues. And the lord the King commands, that sheriffs be punished by the justices once and again if need be, for such false returns; and if they offend a third time, none other than the lord the King shall apply his hand. They make also many times false answer, returning that they could not execute the King's precept on account of the resistance of some great Resistance of man; whereof let the sheriffs beware from henceforth, for such answer process. redounds much to the dishonour of the lord the King; and as soon as his under-bailiffs testify that they shall have found such resistance, forthwith everything being laid aside, taking with him the posse comitatus, let him go in his own person and make execution; and if he find his under-bailiffs false, let him punish them by imprisonment, so that others by their punishment may be corrected; and if he find them true, Punishment he shall punish those who resist by imprisonment, from whence they shall not be delivered without the lord the King's special commandment. And if perchance the sheriff, when he shall have come, find resistance, he shall certify the court of the names of the resisters, aiders, consenters, commanders, and favourers, and by a writ of judgment such shall be attached by their bodies to come to the court; and if they be convicted of such resistance, they shall be punished at the King's pleasure. Neither shall any officer of the lord the King intermeddle in assigning such punishment, for the lord the King specially reserves it to himself, because those who so resist are reputed disturbers of his peace and realm.

XL. Where anyone aliens the right of his wife, it is agreed that Of right from henceforth the suit of the woman, or her heir, after the death of husband. the husband, be not delayed by the nonage of the heir who ought to warrant, but let the purchaser, who ought not to have been ignorant that he bought another's right, wait to have his warranty until the full age of the warrantor.

De tenementis datis in elemosinam alienatis.

Statuit dns Rex ad si Abbates Priores Custodes hospitaliu * aliaz domoz Religiosaz fundataz ab ipo vel a pgenitorib; suis alienauerint decefo ten domib; ipis ab ipo vel a pgenitorib; suis collata ten illa in manu dni Regis capiant * ad voluntate suam teneant * emptor amittat suu recupare ta de ten qă de pecunia quă pacauit. Si aute domus ille a Comitib3 Baronib3 vel aliis fundate fuerint de teñ sic alienatis heat ille a quo vel a cui° antecessorib; teñ sic alienatū collatū fuerit, bre ad recupandū ten in đnico quod tale est.

C. Precipe tali Abbati qd iuste zc reddat B. tale ten quod eidem domui collatū fuerit in liberam elemosinam p pdcm B. vel antecessores suos et qd ad pdcm B. resti debet p alienacom qua poces Abbas fecit de poces ten conta forma collacionis Bdče vt dicit. Eodem modo de teñ dato p cantaria sustentanda vi luminari in aliqua ecca vel Capella vel alia elemosina sustentanda si teñ sic datu alienet^r. Et si forte teñ sic datum p cantaria luminari potura paupū vel alia elemosina facienda no fuerit alienatum set subtracta füit hui⁹modi elemosina p bienniū competat accio donatori aut eius heredi ad petend teñ sic datum in dnico sicut statutū est in statuto Gloucestr de ten dimissis ad faciend vel reddend quartam partem valoris tenementi vel maioris.

De marescallis et aliis ministris

De Marescallis dni Regis de feodo, Camerariis, Custodiba hostica in Itifie Justič & suientiba virgam portantiba coram domini Regis. Justic apud Westm qui illud habent de feodo qui plus exigunt racione feodi sui qua exige consueurut scdm ad multi querunt^r p eos qui statum Cur a multo tempore viderunt * sciunt dns Rex inquiri fecit que statum Bdci ministri de feodo fire quedunt temporiba retroactis. inquisiciones statuit * pcepit qd marescallus de feodo qui de nouo exigit palefridum de Comitib; & Baronib; & aliis p ptem Baronie tenentib; palefridum quando homagiū fecerunt e nichilomin' ad miliciam eos alium palefrid. Et de quibsda de quibz palefridu hre no debuit, palefridu de novo exigit ordinauit qd bdcs marescallus de quolibet Comite e Barone

XLI. The lord the King has ordained, that if abbots, priors, wardens Of tenements of hospitals and other religious houses founded by him or by his progeni- being altened. tors, from henceforth shall have aliened the tenements bestowed upon their houses by him or by his progenitors, those tenements be taken into the lord the King's hand, and held at his will, and the purchaser lose his recovery as well of the tenements, as of the money that he paid. And if the houses were founded by Earls, Barons, or other persons, that for the tenements so aliened, he by whom, or by whose ancestor, the tenement so aliened was bestowed, have a writ to recover the tenement in demesne, which is thus: - Praecipe tali abbati, quod juste, etc., reddat B., Writ of tale tenementum quod eidem domui collatum furit in liberam elemosinam collationis. per praedictum B. vel antecessores euos, & quod ad praedictum B. reverti debet per alienationem quam praedictus abbas fecit de praedicto tenemento, contra formam collationis praedictae, ut dicit. In like manner for a tene- Lands for maintenance ment given for the maintenance of a chantry, or of a light in any church of a chantry, or chapel, or other alms to be maintained, if the tenement so given be aliened. But if the tenement so given for a chantry, light, sustenance of poor people, or other alms to be done, shall not be aliened, but Writ of such alms be withdrawn by the space of two years, an action lie for withdrawal the donor or his heir to demand the tenement so given in demesne, of alms. as is ordained in the statute of Gloucester for tenements demised, to do or to render the fourth part of the value of the tenement or more.

XLII. Concerning the lord the King's marshals of fee, chamberlains, [Fees] of the King's door keepers in the eyres of the justices, and serjeants bearing the verge marshals and before the justices at Westminster, who have the same office in fee, other officers. who exact more by reason of their fee than they were wont to exact, according as many complain by those who have seen and known the order of the court for a long time; the lord the King has caused enquiry to be made, what position the said officers of fee were wont to hold in time past, and by inquest has ordained and commanded, that a marshal of fee, who anew exacts a palfrey of Earls and Barons, and others holding by a part of a Barony, when they have done homage, and nevertheless another palfrey when they are made knights, and exacts a palfrey of some that ought not to give one; he has ordained that said marshal From Earls be content with one palfrey from every Earl and Baron, holding by and Barons.

integram Baroniam tenente de vnico palefrido sit contentus vel de precio quale antiquit' de consuetudine pcipe cosueuit. Ita qd si ad homagiū quod fecit palefridū vel preciū in forma pdca cepit ad miliciam suam nichil capiat. Et si forte ad homagiū nichil cepit, ad miliciā capiat. De Abbatib3 * Priorib; integram Baroniam tenentib; cū homagiū vel fidelitate fecint p Baroniis suis capiat palefridu vel Beiu vt pdčm est. Hoc idem de Archiepis & Epis obsuand est. De hiis autē qui partē Baronie tenent siue sint Religiosi siue seculares capiat scdm porcom partis Baronie qua tenent. De Religiosis tenentib; in liberam elemosinam a no p Baroniam Baronie nichil decelo exigat marescallus & concessit dñs Rex qd p hoc statutu no peludatur marescallus suus de feodo in plus petendo si inposteru ostendere polit qd ius heat plus petendi. Camarii dni Regis heant decelo de Archiepis Epis Abbiba Prioriba a aliis psonis eccasticis Comitib3 Baronib3 integram Baroniam tenentib3 ronabilem finem cum homagiū aut fidelitatē p Baron fecūt. teneant capiant ronabile fine scdm porcom ipus contingente. Alii uero Abbes & Priores & Religiosi & seculares no tenentes p Baroniam vel pte Baronie no distringant ad finē faciend sodm qd de tenentibz p Baroniam vel ptē Baronie dem est, set sit Camarius de supiori indumento contentus vel de Bcio indumenti qd plus dcm est p Religiosis qă seculariba, quia honestius est qd Religiosi faciant fine p supiori indumento qa exuant.

De Conseruatoribus Priuilegiorum. Prohibeat^r decelo hospitalariis * Templariis ne decelo trahant aliquē in placitū coram Conseruntorib3 priuilegioz suoz de aliqua re cui' cognicio spectat ad forum Regiū, quod si fecint pimo restitutis dampnis parti grauate versus dīm Regē grauil puniant^r. Prohibet * dīs Rex Conseruatorib3 piuilegioz eozdē ne decelo ad instanciam hospitalarioz aut Templarioz aut alioz piuilegiatoz concedant citaciones priusq^a exprimat^r sup qua re fieri debeat citacio. Et si viderunt hui'modi conseruatores q̃d petat^r citacio de aliqua re cui' cognicio ad forū spectat regiū, huiusmodi conseruatores

an entire Barony, or with the price of it, such as he was wont to have of old by custom; so that if at the homage he shall have taken a palfrey, or the price, in form aforesaid, he take nothing when he is made knight; and if he shall have taken nothing at the homage, he take it when he is made knight. Of Abbots and Priors holding an From Abbots entire Barony, when they shall have done homage or fealty for their and Priors. Baronies, he take one palfrey, or the price, as aforesaid; and that this also be observed as to Archbishops and Bishops. Of those who Archbishops hold but a part of a Barony, whether they be religious or secular, he take according to the portion of the part of the Barony that they hold. Of men of religion holding in free alms and not by a Barony, nor part Men of of a Barony, the marshal from henceforth shall demand nothing: and the lord the King has granted, that by this statute his marshal of fee be not barred from demanding more, if hereafter he can show that he has right to demand more. The lord the King's chamberlains from henceforth shall Fees of the have of Archbishops, Bishops, Abbots, Priors, and other ecclesiastical Chamberlains persons, of Earls and Barons holding an entire Barony, a reasonable fine when they shall have done homage or fealty for their Baronies; and if they hold by a part of a Barony, that they take a reasonable fine according to the portion to them belonging. But other Abbots, Priors, and persons religious and secular, who hold not by a Barony, or part of a Barony, shall not be distrained to make fine, as it is said of those who hold by a Barony, or part of a Barony, but the chamberlain shall be content with the upper garment, or with the price of the garment, which is said more in favour of religious than of secular persons; for it is more fitting that religious men should make fine for their upper garment, than put it off.

XLIII. Be it prohibited from henceforth to hospitallers and tem. As to keepers plars, that hereafter they bring any man in plea before the keepers of their privileges for any matter, the cognisance whereof belongs to the King's court; which if they shall do, first having restored damages to the party injured, they shall be heavily punished toward the lord The lord the King also prohibits the keepers of the said privileges from henceforth granting citations at the instance of hospitallers, templars, or other persons privileged, until it be expressed on what matter the citation ought to be made; and if such keepers see that a citation is required upon any matter, the cognisance whereof belongs to the King's court, such keepers shall neither make nor acknowledge the citation. And if the keepers shall have

nec citacom faciant nec cognoscant. Et si alif fecint cosernatores respondeant parti lese de dampnis e nichilomin⁹ versus dim Regem graui? puniant. Et q prinilegiati impetant Conservatores subpriores Precentores Sacristas viros Religiosos qd nichil habent vnde lesis aut đno Regi satisfacere possunt qui audaciores sunt ad ledenđ dignitatem dni Regis qă eos supiores quib; p eos tempalia Caucant decelo Blati potest infligi. hui⁹modi obedienciarios ne permittant obedienciarios suos assume sibi iurisdiccom in Biudiciū dni Reg & corone sue. Quod si fecint, p fco ipos respondeant supiores ac si de pprio fco suo conuicti essent.

De Custodibus hostiorum seruientibus coram Justic.

De Custodib; hostio; in Itifib; * virgam portantib; coram Justic de Banco, ordinatum est qd de qualibet assisa * iurata quam custodiūt capiant quatuor denar tantū. Cyrograffis nichil. D. hiis qui recupant demandas suas p defaltā reddicom vel alio modo p iudiciū sine assisa * Jur ; De hiis qui recedunt sine die per defaltam petentis vel querentis nichil capiant. Et si quis recupauit demanda vers' plures p vnū bre * p recognicom assie vel Jurate de quatuor denar tantū sit contentus. Et simili? si plures in vno bri nominati p recognicom assie vel Jurate de quatuor denar im sint De hiis qui faciūt homagiū in Banco de supiori panno sint contenti. De magnis assis attinctis Juratis & duello pcusso duodeci denar tantu recipiant. De hiis qui vocati sunt coram Justic ad sequend vel defendend placitū suū nichil dent p egressu vel ingru. Ad placita Corone de qualiba duodena duodecim denar tantu capiantr. De quolibet prisone delibato quatuor den tantu capiant^r. De quolibet cui⁹ pax pelamata fflit duodecim denar tantū capiar. D. inuentoribz vicinis * aliis attachiatis villatis quatuor hominib; * posito decennariis nichil capiatr. De Cyrogaphariis & Cyrogapho faciendo statutū est qd de quatuor solid sint contenti. De Cticis scribentib; breuia originalia * Judicialia statutu est qd p bri de denar sint contenti. Et iniugit dns Rex omib; * singulis Justiciar suis in fide * sacro quib3 ei tenent^r qd si hui modi ministri conta pacm statutu in aliquo veffint e querimonia ad eos done otherwise, the keepers shall answer to the party injured for damages, and nevertheless shall be heavily punished as regards the King. And forasmuch as such privileged persons depute keepers, sub-priors, chantors, sacristans, who are men of religion, having nothing wherewith to satisfy the parties injured, or the lord the King, who are more bold to offend the lord the King's dignity than their superiors, to whom punishment may be assigned by their temporalities; let the prelates of such obedientiaries henceforth beware, that they do not suffer their obedientiaries to assume to themselves any jurisdiction in prejudice of the lord the King and his crown; and if they shall so do, their superiors shall answer for their deed, as if they were convicted upon their own act.

XLIV. Concerning door keepers in the circuits, and those bearing the Of door verge before the justices of the Bench; it is ordained, that of every serving before assise and jury that they keep, they take 4d. only, and for the chirographs the Justices. nothing. Of those who recover their demands by default, reddition, or otherwise by judgment without assise and jury; of those who go without a day by default of the demandant or plaintiff, they take nothing. And if any recover his demand against several by one writ, and by recognition of assise or jury, they be content with 4d. only. And likewise if many named in one writ recover by recognition of assise or jury, they be content with 4d. Of those who do homage in the Bench, they be content with the upper garment. Of great assises, attaints, juries, and the duel waged, they take 12d. only. Of those who are called before justices, to sue or to defend their plea, they take nothing for coming in or going forth. At the pleas of the crown, for every jury, 12d. only be taken. Of every prisoner delivered, 4d. only be taken. Of every one whose peace shall be proclaimed, 12d. only be taken. Of finders, of the neighbouring and other vills attached, of the four men and the provest, of the tythingmen, nothing be taken. Of chirographers, for Chirographers. making a chirograph, it is ordained, that they be content with 4s. Of clerks writing writs original and judicial, it is ordained, that they be con-tent with 1d. for a writ. And the lord the King charges all and singular original writs. his justices, on the fealty and oath whereby they are bound to him, that if such officers shall offend in any thing against this statute, and complaint shall come to them, they inflict on them reasonable punishment:

puessint penam eis insligant ronabilem; et si iterum deliquerint maiore penam eis insligant qua castigari silto debeant. Et si scio deliquerint, & sup hoc conuicti fsint si sint ministri de feodo amittant seodu suu si alii sint, amittant Cur Regis nec redeant sa ipius Regis speciali scepto aut gracia.

De recordis et inrotulatis in Cancett vel coram Justiciariis.

Qvia de hiis que recordata sunt coram Cancellar dni Regis € eius Justič qui recordū habent € in rotulis eoặ irrotulata nō debet fieri pessus placiti p sümonicones attach esson visus Pre * alias solempnitates Cur sicut fi cosueuit de contectib; * couencoiba fcis extra Cur, obsuand est deceso que que inueniūt^r irrotulata coram hiis qui recordū habent vel in finib; contenta siue sit contractus siue conuencones siue obligacones siue seruicia aut cosuetudines recognita siue alia quecuq irrotulata quib3 Cur đni Reg sine iuris & consuetud[inis] offensa auctoritate pstare potest talem decelo habent vigore qd no sit necesse inposteru de hiis placitare, set cu vesit coquerens ad Cur dni Reg si recens sit cognitio vel finis videlt infra annu in bri leuatus statim heat bre de execucone illius recognicois fce. Et si forte a maiori tempore tansacto fca fuerit illa recognicio vel finis leuat, Bcipiat, vic qd scire faciat parti de qua sit querimonia qd sit ad ctum diem ostens si quid sciat dice quare hui modi irrotulata vel in fine contenta execucom hre no debeant. Et si ad die no vesit vi forte vesit * nichil sciat dice quare execucio sieri no debeat, scipiatr vic qd rem irrotulatam vel in fine contenta exequi faciat. Eodem modo mandet^r ordinario in suo casu obsuato nichilomin⁹ qd supadem est de medio qui p recognicom aut Judiciū obligatus est ad acquietand.

De vastis apprua**n**dis. Cvm in statuto edito apd moton concessum fuerit qd dni vastoz boscoz e pasturaz appruiare se possint de vastis Boscis e pasturis illis no obstante contedicco tenenciu suoz dumodo tenentes ipi herent sufficiente pastura ad ten suu e libo igressu e egressu ad eandem et p eo qd nulla fiebat mencio in vicinu e vicinum multi dni vastoz boscoz e pasturaz hucusq impediti extiterunt p contediccom vicinoz sufficiente pastura fincium. Et q forinseci tenentes no habent maius ius comunicandi in vasto aut pastura alicui? dni q pprii tenentes ipius dni, statutu est deceto qd statutu apud Merton puisu inter dnm e tenetes

and if they offend a second time, they inflict on them greater punishment, Punishment of by which they may be duly corrected: and if they shall offend a third time, and be thereupon convicted, if they be officers of fee, they lose their fee; if they be others, that they be dismissed the King's court, and that they return not without the special precept or grace of the King himself.

cellor of the lord the King and his Justices who have record, and are Ohancery or inrolled in their rolls, process of plea ought not to be made by summons, before the Justices. attachment, essoin, view of land, and other solemnities of the court, as has been used to be done of contracts and covenants made outside court; from henceforth it is to be observed, that those things which are found inrolled before those who have record, or contained in fines, whether they be contracts, covenants, obligations, or services or customs acknowledged, or other things whatsoever inrolled, wherein the lord the King's court, without offence of law and custom, may exercise authority, from henceforth shall have such force that hereafter it may not be necessary to plead concerning them; but when the plaintiff shall have come to the lord the King's court, if the recognition or fine be recent, that is to say, levied in writ within the year, that he forthwith have a writ of execution of that recognition made. And if the recognition shall have been made, or the fine levied at a time further back, Scire factors the sheriff shall be commanded that he cause the party of whom after the year. complaint is made, to know that he be | before the justices | at a certain day, to show if he have anything to say why such matters inrolled or contained in the fine ought not to have execution. And if he shall not come at the day, or perchance come, and can assign Execution by no reason why execution ought not to be had, the sheriff shall be com manded to cause the thing inrolled or contained in the fine to be executed. In like manner, that the Ordinary be commanded in his case, or Ordinary.

XLV. Inasmuch as of such things as are recorded before the Chan- Of records and

XLVI. Whereas, in a statute published at Merton, it was granted that Of approval of lords of wastes, woods, and pastures, may approve the said wastes, wastes. woods, and pastures, notwithstanding the objection of their tenants, provided that the tenants themselves have sufficient pasture to their tenements, with free ingress and egress to the same : and forasmuch as no mention was made between neighbour and neighbour, many lords of wastes, woods, and pastures, have been hindered heretofore by the objection of neighbours having sufficient pasture: and because foreign tenants have no more right to common in the waste or pasture of any lord than the lord's own tenants; it is ordained, that the statute of Merton, provided between the lord and his tenants, from henceforth

observing nevertheless what is before said of a mesne, who by recognition

or judgment is bound to acquit.

locū heat decelo int dnos vastož boscož e pasturaž e vicinos ita qd đui hui⁹modi vastož boscož aut pasturaž salua sufficienti pastura hominib; suis & vicinis appropriare se possint de residuo. Et hoc obsuetr de hiis qui clamant pastura tanqa ptinentē ad ten suū. Set si quis clamat comuna p speciale feoffamentu vel concessione ad ctum numu adioz vel alio modo qă de iure comuni here deberet cu conuencio legi deroget heat suu recupare quale here debet p forma cocessionis sibi fce; occasione molendini venticii Bercar vaccar augmentacois Cur necessar aut curtilagii decelo no grauet^r quis p ass^am noue disse de comuna pasture. Et cū contingat aliqui qd aliquis ius habens appruiare se fossatum aut sepem leuastit * aliqui noctant vel alio tali tempore qd no credant fcm eoz sciri fossatum aut sepem pstradint, nec sciri polit p veredem assie aut Jurate qui fossatu aut sepe pstauerunt nec velint hoies de villatis vicinis indictare de hui⁹modi fco culpabiles; distⁱngant^r ppinque villate circuadiacentes leuare fossatu aut sepe ad custum ppriū * dampna restitue. Et cum aliquis ius no habens coicandi vsurpet comuna tepe quo heredes extifint infra etatē vel vxor sub potestate viroz existenciū vel pastura sit in manu tenenciū in dotem p legem Angt alias ad Pminum vite vel annoz vel p feodū talliatū; et pastura illa diu vsi fflint mtti sunt in oppinione qd hui'modi pasture debent dici ptinere ad liberū teñ * qd hi'modi possessori compele debet actio p bre noue dissie si ab huiºmodi pastura deforcietr set decelo tenend est qd hntes hui'modi ingressum a tempore quo currit bre mortis antecessor si antea comuna no habuerunt, no heant recupare p bre noue dissie si fuerint deforciati.

De aquis positis in defenso.

Prouisum est eciam qd aque de Humbre Vse Trente Doon Ayre Derwente Wherf Tyd Yore swale Tese & omes alie aque in quib5 salmones capiuntr in regno ponantr in defenso quo ad salmones capiend a die Nat beate Marie vsq. ad diem sci Martini. Et simitr qd salmunculi no capiantur nec destrantr p retia nec p aliqua ingenia ad stagna molendinos a medio Aprit vsq. ad Natiuitate sci Johis Bapt et in partib5 vbi hui°modi riparie füint assignentr coseruatores

hold place between lords of wastes, woods, and pastures, and their Lords may neighbours; so that the lords of such woods. wastes, or pastures, saving mon against sufficient pasture to their men and neighbours, may be able to make their neighbours leave approvement of the residue. And that this be observed of those who them sufficien claim pasture as appurtenant to their tenements. But if any one claim common by special feoffment or grant for a certain number of beasts, or in any other way than he ought to have of common right, since covenant abrogates the law, that he have such recovery as he ought to have had by form of the grant made to him. By reason of a windmill, sheepcote, dairy, enlarging of a court necessary, or curtilage, no man from henceforth shall be injured by assise of novel disseisin for common of pasture. And where sometimes it happens, that one having right to Destruct on of a dyke or approve, raises a dyke or hedge, and some, either by night, or at any other hedge made time, when they suppose their deed would not be known, shall have overthrown the dyke or hedge, and it cannot be known by verdict of assise or jury, who overthrew the dyke or hedge, and men of the neighbouring wills will not indict those guilty of such deed, that the neighbour-Neighbour-ng ing vills be distrained to make up the dyke or hedge at their own cost, answerable. and to yield damages. And where one, having no right of common, Usurnation usurps common during the time that heirs shall have been under age, or during the a woman under the power of husbands, or whilst the pasture is in the estate of hand of tenants in dower, by the law of England, or otherwise for term tenants. of life or years, or in fee-tail, and have used the pasture for a long time, many are of opinion, that such pastures ought to be said to belong to the freehold, and that such possessor ought to have action by a writ of novel disseisin, if he be deforced from such pasture; but from henceforth it is to be held that they having such entry from the time in which a writ of mortd'ancestor runs, if they had no common before, have no recovery by a writ of novel disseisin, if they be deforced.

XLVII. It is provided, that the waters of the Humber, Ouse, Trent, Of waters put Don, Aire, Derwent, Wharfe, Nid, Yore, Swale, Tees, and all other in defence. waters wherein salmon are taken within the kingdom, be put in defence as to taking salmon from the day of the nativity of St. Mary to St. Martin's day; and that likewise young salmon be not taken or destroyed by nets, or other engines at millpools, from the middle of April up to the nativity of St. John the Baptist. And in places where there are such rivers, there be assigned conservators under this statute, who being sworn, may oftentimes see and inquire as to offenders. And for the first trespass, that they be punished by burning of their nets and engines. And

istius statuti qui ad hoc iurati sepius videant * inquirant de tansgressorib3 et in prima tansgressione puniant p combustione retiu * ingenio*. Et si ilato deliquir puniant p pisonam vni qarterii anni. Et si ilato deliquerint puniant p prisona vni anni. Et si multiplicata tansgressione crescat pene inflictio.

De visu terre.

De visu terre ordinatum est & statutum qd decelo no concedat^r visus nisi in casu qñ visus est necessarius sicuti si aliquis amittat ten p defaltam * ille qui amisit suscitet bre ad petend idem ten e in casu quando quis p aliqua dilatoriā cassat bre post visum terre sicut p no tenuram vel male noïando villam vel hui9modi si suscitet aliud bre in hoc casu * supiori decefo no concedat" visus dumo visu habuit in piorib3 breuib3. In břib3 de dote cū petitr dos de ten qd vir vxoris alienauit tenenti aut eius antecessori cū ignorare no debeat tenes quale ten vir vxoris alienauit sibi vel antecessori suo licet vir no obiit seisitus nichilominus tamen tenenti decelo no erit visus concedendus. eciam de Ingressu Cassato p hoc qd petens mele noïauit ingrum si petens suscitet aliud bre de alio ingressu si tenens in priori breui habuit visum, in scdo no habebit. In omib; eciā breuib; p que ten petent racione dimissionis qua petens vel eius antecessor fecit tenenti e no antecessori sicuti qd ei dimisit dū fuit infra etatē nō cōpos mentis in prisona * consimiliba no iaceat decelo visus, set si dimissio fca fuit antecessori iaceat visus sicut prius.

Omnia ßdča statuta incipiant conservari ad festum sči Michis px ventur ita qd occasione aliquoz delictoz conta aliquod ßdcŏz statutoz cita ßdčm festu ppetatoz pena delinquentib3 de quib3 mencio fit in statutis nō infligat, sup vero statutis in defectu legis & ad remedia editis ne diucius querentes cu ad Cur venit recedant de remedio despati, heant breuia sua in suo casu puisa, set nō placitētur vsq. post predčm festum sči Michis,

if they offend again, that they be punished by imprisonment for a And if they offend again, that they be punished quarter of a year. by imprisonment for a year; and as the trespass increases, let the infliction of the penalty increase.

XLVIII. As to view of land, it is ordained and provided, that from Of view of henceforth view be not granted but in case when view is necessary; as if one lose a tenement by default, and he who lost move a writ to demand the same tenement; and in case when any one by an exception dilatory abates a writ after the view of the land, as by non-tenure, or misnaming of the vill, or such like, if he move another writ, in this case, and in the case before-mentioned, from henceforth view be not granted, provided he had view in the former writs. In writs of dower, where the dower is demanded of tenement that the husband of a wife aliened to the tenant or his ancestor, where the tenant ought not to be ignorant what tenement the husband of the wife aliened to him or his ancestor, though the husband died not seised, nevertheless from henceforth view shall not be granted to the tenant. In a writ of entry also, which is abated because the demandant misnamed the entry, if the demandant move another writ of entry, if the tenant had view in the former writ, he shall not have it in the second. In all writs also by which tenements are demanded by reason of a demise made by the

[XLIX. The Chancellor, Treasurer, Justice, or any of the King's Purchasing Council, a clerk of the Chancery, of the Exchequer, of a Justice or other in sult. officer, or any of the King's house, clerk or lay, shall not receive any church, or advowson of a church, land, or tenement in fee, by gift, or by purchase, or to farm, or by champerty, or otherwise, so long as the thing is in plea before us, or before any of our officers; nor shall they take any reward thereof. And he who does any such thing, either by himself, or by another, or commits any fraud therein shall be punished at the King's pleasure, as well he who shall purchase, as he who shall do it.]1

demandant, or his ancestor, to the tenant, and not to the ancestor, as that which he demised to him, while he was under age, not of sound mind, in prison, and such like, that view do not lie henceforth; but if the demise were made to the ancestor, that view lie as heretofore.

L. All the said statutes shall begin to be observed at the feast of St. Commence Michael next ensuing, so that by occasion of any offences committed before the said feast, contrary to any of the said statutes, no punishment statutes. (mention whereof is made in these statutes) shall be inflicted upon the offenders. Moreover, concerning statutes provided for cases where the law fails, and for remedies, lest any longer suitors, when they shall have come to court should depart from thence hopeless of remedy, shall have writs provided in their cases, but they shall not be pleaded until after the feast of St. Michael aforesaid.

¹ This clause, which is in French, is not in the Statute Roll or in the Red Book (Dublin). It is printed in Statutes of the Realm from another MS. See note p. 95 of Statutes of the Realm.

19 EDWARD I. A.D. 1291.

[RED BOOK OF THE EXCHEQUER IN IRELAND, fol. 74-75.]

[ARTICULI CLERI.]

.1 Justič Hybn a die Pasche in tres septiman Anno R R Edwardi decimo [nono].

i. articulus.

C. Si fur ut lato ut aliqis feloniam comittens tensitum fecerit p loca ubi aliquis Blatus vt clericus infra sacos constitut? existat, qui clamorem si non fecerit p quem clamorem fur ut latro feloniamve comittens capi possit, platus ut clericus predčus attachiat^r p ministos seculares € carceri mancipabit^r sicut patet de quodam plčio de Esmayns incarcato apd Roscre p ministos đni regis.

Respons.

Si simplicif ex causa tali respondet qd non est incarcerandus, set si subfuerit legitia potest. Sciat ergo raço capcois. et fiet iusticia.

Sequit^r responço p Regem.

Rex.

Rex vult qd nullus clericus ut pmittitr arestetr in tali casu ut clamor huiusmodi leuetr p eum aut ea de causa in aliquo . . . 4 seu licet clamorem non leuauerit occonetur.

ii. articulus.

C. Item si quis ad eccam p quoq delicto confugit non pmittit' p minist's laicales qd neccia victualia p quemcuo. .4 qfugienti ministrent^r sub pena certa firmi? iniū-Set in ipa ecca compedib; confugientem detineri cenda.

Resp.

Multa p inmunitate eclie Reg * Regni tempe * loco guerrinis pmittenda sunt que alias pmitti non debent. Inquirat. . . . de facto * fiet inde iusticia.

Sequitur alias responsio p Regem.

Rex vult qd hi fugitiuus ad eccam bene custodiatr eo mo quo ingssus fuerit usq ad terminū debitum * habeat victualia.

¹ Top of folio cut away here. The word none is very indistinct, but has been adopted here, as in the Reports of the Record Commissioners (1810–1815), plate viii., is found a facsimile of portion of this folio (74) of the Red Book, which reads none.

Asmain—Asmayn, an obsolete parish in the Deanery of Cashel,

⁴ Obliterated.

19 EDWARD I. A.D. 1291.

ARTICLES OF THE CLERGY.

.... the Justiciar of Ireland in three weeks from the day of Easter in the 19th year of the reign of King Edward.

If a thief or robber, or any one committing a felony, 1st Article, make his way through places where any prelate or clerk Attachment of clerks for in Holy Orders is established, if he shall not have made cry, not making by which cry the thief or robber or person committing the hue and cry felony might be captured, the prelate or clerk aforesaid is attached by the secular officers and will be committed to prison, as appears in the case of a certain prelate of Esmayn imprisoned at Roscrea by the officers of the lord the King.

If simply from such cause, the answer is, that he should Reply. not be imprisoned; but if he should have assisted the thief, [the imprisonment] may be lawful. Therefore, let the reason of the imprisonment be known and justice shall be done.

A reply by the King follows.

The King wills that no clerk, as aforesaid, should be The King arrested in such case, or cry of such kind raised by him, or that [he be troubled] on that account in any . . . even though he may not have raised cry.

Item, if any one fly for refuge to a church for any crime, 2nd Article. it is not permitted by the lay officers that necessaries and Necessaries victuals should be ministered by anyone . . . to the fugitives to churches, tive, under a fixed penalty, firmly to be enjoined; but they cause the fugitive to be detained in fetters in the church itself, [as lately] at Loughrea in the diocese of Clonfert.

Many things have to be permitted for the immunity of Reply. the Church, the King and the Kingdom, at a time and at the seat of war, which at another time ought not to be permitted; let enquiry be made about the fact and justice therein done.

Another reply by the King follows.

The King wills that a fugitive of this kind should be The King. well guarded at the church, in such a way that there should

Et si eccam post lapsum termini scdm legem euacuare recusauerit, victualia subtahant eidem.

iii. articulus.

C. Item clerici ad querelam aliquor p pccos ministos incar cerati ita gauilo e vili carcere tenento que ubi legitie de cimine sibi inposito coram suis prelatis se purgare possent non audiunto sa metu penare e corpu suor cruciatuu fine ut redempcionem in contemptu clauu ecctie e ordis clericalis non modicu preiudiciu facere compellunto. Et si prelati debitum suum officiu excercuerint attachianto e amercianto sicut nup accidit in dioc ffernens e Darens.

ffernens & Darens sunt loca libertatuu de quib3 dns Rex iusticia faciet coq°rentib3 scdm iura.

Seq^r alia resp̃ p Regē.

Rex.

Rex vult qd in casu ubi non iacet vite uel membros amissio fiat finis p tansgressionib3 suis. Et e conuerso liberenta prelatis tales quales inueniuntur.

iiij. articulus.

C. Item plati * alii clerici minores * religiosi ad diffamacoem seu indictacoem laicos capiunt^r indistincte * carceri mancipant^r n° ad monicoem platos sic deberent liberant^r sz vilius ppl hoc in carcere detinent^r. Hoc coïl accidit ī pluribz p'sonis.¹ Prefea hodie nitunt^r judices seculares * max° minist¹ dni Reg qd clerici licet laicū feodum non habeant de oïbz accoibz psonalibz * t³nsg⁵ssionibz seu delictis respondere debeant coram eis omisso suo Epo cont³ omia iura cū actor forum rei sequi debeat.

resp. fčm. p Rege Iniuriam passi $c\bar{o}q^e$ rant^r de feo éto corā Justič ϵ fiet eis

be access up to the due term, and that he should have victuals; and if he refuse to leave the church after the lapse of the term according to law, the victuals should be withdrawn from him.

Item, clerks imprisoned at the complaint of any, are 3rd Article detained by the said officers so grievously and in so vile a Ill-treatment prison, that in cases where they might be able to purge arrested. themselves legally of the crime imputed to them before their prelates, they are not heard, but through fear of punishments and of their bodies being tortured, they are forced to pay a fine or ransom, in contempt of the keys of the Church, and to the very great prejudice of the clerical order. And if the prelates exercise their due office, they are attached and fined, as lately happened in the dioceses of Ferns and Kildare.

Ferns and Kildare are places of Liberties, of which the Reply. lord the King will do justice to complainants, according to right.

Another reply by the King follows.

The King wills that in case where loss of life or limbs The King. lies not, a fine for their offences be made; and on the other hand, that such as are found so be delivered to the pre-

Item, the prelates and other the minor clergy and the 4th Article. religious, are taken at the accusation or indictment of compelled to laymen, without distinction, and committed to prison; nor, answer before at the warning of the prelates are they liberated, as they ought, but the more vilely on this account are they detained in prison. This commonly happens in many prisons. Moreover, the secular judges, and specially the officers of the lord the King, now contend that clerks, although they have not a lay fee, should answer before them as to all personal actions and trespasses or faults, ignoring their Bishop, contrary to all right, since the complainant ought to follow the tribunal of the accused.

Let those who have suffered injury make complaint as Reply made to the certain fact before the Justiciar, and justice shall be by the King

lay tribunals.

iusticia. Et si iustia in iure sibi defuerit ostendat sua gauamina Regi a consilio suo a vocato Justiciario fiet iustia.

v. articulus.

C. Item si prelati qui curam habent animas precipue malos xpianos vids utlagatos e pacis pturbatos p quibs vocandis Jehus xps de celis descendit qui in Ewnglio ait non veni vocare justos s3 peccatores ad eosam monend corigena e ad pacem inducena accesserint ne sangis eos a manibs suis regirant e sic cum eisam spualit ad corectiom eosam e ad satu aias suas aliquo mo comunicauerint statim attachiant ac si maliciis eos essent consencientes no auctores e fautores eosam e receptatores e frequent accidit in omibs marchiis.

respons.

Ad immunitatem tam ecce q^am Regis * Regni q̃m sepe uocari * eciam ad requisicoem prelatos concedi consucuit brachiū seclare. Et si qui passi sunt iniuriam conq^erant^r de fco cto * fiet eis iusticia. Sequit^r it.

Rex.

Quia quidam prelati Hybernici freqent hui?modi faciūt p velamina pocius p malo qem p bono Rex vult qd nullus huiusmodi smonem facist absq. presentacoem & consilio Justic.

v j. articulus.

C. Item cum dns Rex oms croceas tam in libertatib; qem exte sibi specialie retinuerit videt prelatis qd laici tenētes de crocea e eciam clerici coram sen libertatum respondere non debent licet multociens dci sen ipos in exigend e ni vehint ipos facint utlagari, e sic nitunt auferre dno Regi fines e redempõoes e catalla alia que sibi possent accedere ut in diosesi ffernens.

гевр.

Dns Rex de gauaminib3 si fact fac accoem a celi se sencientes gauati queri polut a fiet eis instic. Sufficit ista resp.

done them; and if justice be lacking to them in law, let them present their grievances to the King and his Council, and the Justiciar being summoned, justice shall be done.

Item, if the prelates who have cure of souls, (especially ath Article, of bad Christians, namely, of outlaws and disturbers of the Attachment peace, for the calling of whom Jesus Christ descended from spiritually heaven, who says in the Gospel, "I came not to call the ministering to righteous, but sinners,") go to them to warn, correct and lead them to peace, lest the blood of these be required at their hands; and so when for their correction and the salvation of their souls they have spiritually communicated with them in any way, they are attached forthwith, as if they were consenting parties to their evil deeds, though neither advisers, favorers nor harbourers of them; and it frequently happens in all the marches.

For the immunity as well of the Church as of the King Reply. and Kingdom, the secular arm is frequently wont to be invoked, and also to be granted, at the request of the prelates. If those who have suffered injury complain about a certain fact, justice shall be done them. There follows

Because certain Irish prelates frequently make this The King a pretence, rather for an evil than a good purpose, the King wills that no one hold such communication, without presentation, and by the advice of the Justiciar.

Item, whereas the lord the King has specially retained to 6th Article. himself all Crosses, as well in liberties as without them, Lay tenants it seems to the prelates that lay tenants of a Cross, and also and the clergy the clergy, ought not to answer before the seneschals of the ought not to liberties, although frequently the said seneschals [put] seneschals of them in exigent, and unless they come, cause them to be liberties. outlawed, and so they strive to take away from the lord the King fines and ransoms and other chattels, which might come to him, as in the diocese of Ferns.

The lord the King will take action as to injuries done to Reply. himself; and others, feeling themselves aggrieved, may complain, and justice shall be done them.

This reply is sufficient.

felons, &c.

vij. articulus

C. Itm cū-bre phibicois ad coronam dni Reğ dicatr ptific dci señ * minist libertatū Lageñ * alias libertatū dnis suis dcm bre phibicois usurpare * appiare¹ erentr * subditis suis in foro eccastico cam licz spualem pseqentibz bre de phibicoe de gauaminibz scdm form quā dns Rex scibit. Et si conta dcm phibicom causam suam ampli? pseqentr gauit¹ libertatis * regie dignitatis piudiciū non modicū * gauamen. . . . conquerant gauati * fiet eis iusticia. Sufficet ista responcio.

viij. articulus

C. Cum ome sacilegiü sit cimen eccasticü * iniece manus violentas in clericü religiosü vi confisum sit sacilegiü p consequas debet ptinere ad judicem eccasticü. Et în phibetur hiis dieb; Judici eccastico ne de tali crimine cognoscat si tales sacilegi remanent in excoicaco * in fideliü comunione * q, süt p di sentenciam sepati sicut pat; in Priore de Instyok * ano Epo fernēsi cuius lis pendet. Idem dicüt plati de omi crimine eccastico utpote incestu adultio fornicacoe usura heresi symonia sortilegio que est conta fide catholicam directe piurio fidei lesione * aliis multis de quib; ecca cognoscere consucuit ad correccionē * salutem âiarum a tempe a quo non extat memoria.

resp.

Dîs Rex no intedit platis ecce sue piudicari s3 qq^oretib5 i hiis * aliis iusticia in sua curia exhibere. Sequit^r alia resp p R.

Rex.

Ad reddēd * restitucoem faciend de bonis ablis ab ecca

¹ Obliterated.

Item, whereas a writ of prohibition is declared to apper-7th Article Officers of tain to the crown of the lord the King, the said sene-liberties schals and officers of the liberties of Leinster and other usurping liberties [are wont] to usurp and appropriate the said prohibition. writ of prohibition to their lords, and [direct to] their subjects prosecuting a cause, although spiritual, in the ecclesiastical court, a writ of prohibition as to their grievances, according to the form which the lord the King writes. And if, contrary to the said prohibition, they prosecute their cause further, they are heavily [amerced for the profit of] the liberty, to the no small prejudice and injury of the royal dignity.

Let those who are aggrieved make complaint, and jus- Reply tice shall be done them.

This reply is sufficient.

Inasmuch as all sacrilege is an ecclesiastical crime, and 8th Article. the laying violent hands on a clerk, religious person or lay crimes should brother, is sacrilege, consequently it ought to appertain to be in the an ecclesiastical judge; and, nevertheless, in these days it ecclesiastical is prohibited that an ecclesiastical judge take cognisance judges. of such crime, and so such sacrilegious persons remain in excommunication and in [exclusion from] the communion of the faithful, because they are by divine sentence separated, as appears in the case of Prior of Inistioge, and the lord Bishop of Ferns, whose suit is pending. The prelates say the same of every ecclesiastical crime, namely, incest, adultery, fornication, usury, heresy, simony, soothsaying (which is directly contrary to the Catholic faith), perjury, breach of faith, and many other things, about which the Church is wont to take cognisance for the correction and salvation of souls. from a time to which memory runneth not.

The lord the King does not intend to prejudice the pre- Reply. lates of his Church, but to those making complaint in these and other matters, to exhibit justice in his Court.

Another reply by the King follows.

As to restoring and making restitution of goods taken The King. from a church, and as to trespasses against the peace

ac de tansgr qua pace nt le quosce in de sentecia lata quita satisfacco de plato.

ıx. articulus.

C. Item cū dns Rex omes cas testamenta, ad forū Eccasticū ptiĥe recognoscat * ecca Hybernicana in possessione iurisdicois eaadm a tempe a quo nō extat mem vid3 qd creditores cui cūq defūcti exsecutores ipius Testatoris in foro eccastico conueniat * ab ipis exsecutorib3 conueniant balti seculares iudices eccasticos sup hoc inpediūt * bre de phibicoe tam ante latam smiam quam post eis dirigunt qui si cont uenevint attachiant incarcerant * amerciant * nūc pendit causa in cur.

resp. Assignet causa pendës & fiet conquerenti iusticia. Sequit alia responsio p Regem.

Rex. Omia in testamto verbata e specialif legata ad foru eccasticu spectant e cefa de quib3 non fit menco spitat ad Rege scdm fores e leges Anglicanas.

x. articulus.

C. Itm si quis ad eccam aliqum quequm psentauerit e prelat inqis debitam put moris est e cosuetudinis apphate face voluerit hoc si non pmittit set ni incotineti psentatu admittat p ministos Regis attachiat ut i Ossoriensi diosesi.

respons. Inqⁱrere potent prelati cum velint ex officio. Et si quis inqⁱr⁹e phibet^r ostendat bre * fiat iustic qq^erēti. Suffic ista respons.

xi. articulus. C. Iim cum Judex eccasticus iudicat' est ad legem suam faciend coram Justic de Banco de eo qua tenuit plac in cur xpianit conta phibicom dni la iusticiar copellunt ipos iurare qua nec ante phibicoem porrectam no post tenuit placitu aliquod

the King has cognisance; nevertheless in case of sentence delivered, let satisfaction be sought from the prelate.

Item, whereas the lord the King acknowledges that all 9th Article. causes of testaments appertain to the ecclesiastical court, Testamentary and the Irish Church is in possession of the jurisdiction of the ecclesiasthe same from a time to which memory runneth not, tical courts. namely, that the creditors of anyone deceased may summon the executors of the said testator in an ecclesiastical court, and they may be summoned by the executors themselves; secular sheriffs thereupon hinder the ecclesiastical judges, and they direct to them a writ of prohibition, as well before sentence passed as after; who, if they contravene it, are attached, imprisoned and fined, and at present a cause is pending in court.

Let the pending cause be stated, and justice shall be Reply. done to the complainant.

Another reply by the King follows.

All things named in a testament and specially be-The King queathed, belong to the ecclesiastical court, and other things, about which no mention is made, belong to the King, according to the English courts and laws.

Item, if anyone shall have presented someone to any 10th Article. church, and the prelate wish to make due enquiry, accord- Attachment of prelates for ing to the approved manner and custom, it is not permitted enquiring as to presentahim, but unless he immediately admit the person presented, tions to he is attached by the King's officers, as in the diocese of churches. Ossory.

The prelates can make enquiry when they wish, by Reply. virtue of their office, and if anyone is prevented from enquiry, let him exhibit a writ and let justice be done to the complainant.

This reply is sufficient.

Item, when an ecclesiastical judge is adjudged to make 11th Article. his law before the judges of the Bench, in that he held pleas in a court Christian contrary to the prohibition of the lord the King, the justices compel them to swear that neither before the prohibition was presented nor after, did he hold any plea; and this they do to the grievous injury of the

hoc faciunt in graue dampnū Ordinarios « in pictm aïas
quia phibico porrecta exstendi debet ad futura no aute ad ut
in ffernenens Dioses.

responă.

Dîs R habere debet * consueuit quedam plac spetancia ad coronam * platis si hui?modi usurpantib3 tam de iure q̃m de cōsuetudine phibere p bre q̃d minime face oporteret ni in prelator fauorem verūtamē conquerant gauati * fiat eis Justic.

Sequit^r alia responco p Regem.

Rex. Rex vult qd cessant iudices post receptam phibicom in casib; quib; phibico iacet in ceteris uero non.

mij. articulus. C. Item si prelatus subditū suum rite * in casu a iure pmisso exconauerit * ille sic excoicatus queremoniam ministis dni Regis sup hoc deposuerit prelatus sic excoicans attachiat p bre qr excoicauit * psessum suū coram predcis ministis exhibere compellit et compellit iudex p bre de cancellar dcm excoicatū absolue cū nullus Judex sclaris debeat cognoscere de sentencia excoicacois que est pena mere spualis.

responă Ex quo dicitur q̃d p br̃e ostendat^r br̃e * iniuriam passi cōq*rant^r * fiet iusticia.

Sequit^r alia resp p Regem.

Rex. Ex quo dicit^r qd p bre ostendat^r bre * quod corigend fuerit in bri corigat^r. Et qui bre hi^o exire p[mi]serit vitupetur et subripiat^r * passis iniur fiet Justicia.

Tij. C. Iim si quis petat coram Judice eccastico bona sibi pmissa cu ux sua matimonii causa contahendi porigit si Regia phibico e si contauenerit attachiat e amerciabit. Idm accidit si diuoco legitime celebrato Judex qui diuocom celebrauit de rebus mobilib; restituendis cognoce velit.

Ordinaries, and to the endangering of souls; because the prohibition when presented ought to be extended to the future, but not to the [past], as in the diocese of Ferns.

The lord the King ought and has been wont to have Reply. certain pleas appertaining to the Crown, and the right to prohibit by writ prelates usurping such to themselves, as well of right as of custom. Which (the practice complained of) should by no means be done unless in favour of the prelates; however, let those aggrieved make complaint and let justice be done them.

Another reply by the King follows.

The King wills that the judges do not proceed after The King. receipt of the prohibition, in cases in which a prohibition lies; but in others not.

Item, if a prelate duly, and in a case permitted by law, 12th Article. excommunicate his subject, and the one so excommuni-Right of cated thereupon lay a complaint before the officers of the cation. lord the King, the prelate so excommunicating is attached by writ [to answer] wherefore he excommunicated, and he is compelled to exhibit his process before the aforesaid officers; and the Judge is compelled by virit out of Chancery to absolve the said excommunicated person, though no secular judge should have cognisance of a sentence of excommunication, which is a purely spiritual punishment.

On which it is answered that the writ should be ex- Reply. hibited by writ, and let those who have suffered injury complain and justice shall be done them.

Another reply by the King follows.

On which it is answered that the writ should be ex- The King. hibited by writ, and that what should be corrected in the writ be corrected, and let him who permitted such a writ to issue be rebuked and removed, and justice shall be done to those who have suffered injury.

Item, if anyone seek before an ecclesiastical judge goods 13th Article. promised to him with his wife, by reason of contracting of ecclesiasmatrimony, a royal prohibition is directed to him, and if tical judges he contravene it, he is attached and fined.

in matters connected

respons.

Ostendatur casus « conquerat^r grauatus « fiat eis iustic. Sequit^r alia responsio p Regem.

Rex.

Justiciar respondeat se p certo intendere qd Rex totis temporib3 retoactis optinuit cognoscere in tali casu i Anglia Hybn p quod hi defacere nequit sine Rege. Unde si quis in hac parte gauamina ostendat Regi qui justiciam inde faciet q instic nequit dnm suum cicere a seisina.

21 EDWARD I. A.D. 1293.

[RED BOOK OF THE EXCHEQUER IN IRELAND, fol. 77.]

DWARDUS dei gra Rex Angt dns Hýbñ & Dux Aquit Thes & Baronibz suis de scacio Dubliñ sattm. Mittimus vob quasdam ordinaciones presentibz infolusas quas in fra ñra Hýbñ volum observari vob mandantes qd doas ordinaciones sodm sui² tenorem in omnibz suis articlis fieri & observari faciatis. Et hoc nullatenus omittatis. T. me ipo apud Cantuar xii. die Jut anno r n vicesimo pimo.

Ces sount les Ordinaunces que le Rey ad comaunde fere e garder en sa tere de Irlaunde.

Des viscountes e autre bayllyfs qe souent vnt este mys par le graunt sel de Engletere pur quey il vnt este meyns obeyssaunz al Escheker de Irlaunde e aussy de ceus qe sunt mys par la Justice meymes; acorde est qe les viscuntes seyent mys par le Tresorer e les Baruns del Escheker ausy come en Englete e par eus seyent remuez e ne pas par autres e deuaunt eus seyent responables de quaunt qe apent a lur offyce e les bayllyfs qe respounent al

¹ Obliterated

² So in original.

The same happens if a divorce having been lawfully pro- with marriage nounced, the judge who pronounced the divorce wishes to take cognisance about restoring movables.

Let a case be shown and let the injured party complain Reply. and let justice be done them.

Another reply by the King follows.

Let the Justiciar reply that he certainly means that the The King. King in all times past had cognisance in such case in England and Ireland; for which reason he cannot do away with such, without the King. Wherefore, if anyone in this behalf [suffer] grievances, let him show them to the King, who will therein do justice, because the Justiciar cannot thrust out his lord from seisin.

21 EDWARD I. A.D. 1293.

DWARD by the grace of God, king of England, lord of Ireland and duke of Aquitaine, to his Treasurer and Barons of the Exchequer of Dublin, greeting: We send you certain ordinances enclosed in these presents, which we will to be observed in our land of Ireland, commanding you that you cause the said ordinances to be performed and observed according to their tenor in all their articles; and that this you in no wise neglect. Witness myself at Canterbury on the twelfth day of July in the twenty-first year of our reign.

These are the ordinances that the King has commanded to be performed and observed in his land of Ireland.

I. Concerning sheriffs and other bailiffs who have Appointment often been appointed by the great seal of England, on of sheriffs and which account they have been less obedient to the Exchequer of Ireland, and also concerning those who are appointed by the Justiciar himself, it is agreed that the sheriffs be appointed by the Treasurer and the Barons of the Exchequer, so as in England, and be by them removed and not by others, and be answerable before them for

Escheker par lur mayn demeyne, seyent mys par ceus del Escheker. E ceus qe sunt repunables as viscuntes, seyent mys par les viscuntes. E seyt charge checun viscunte par sun serment, qaunt il fra le serment qil mette tieus pur q̃s il vodra respoundre aussy come en Engletre, e ne pur qaunt seyent les viscuntes entendauns as maundemens la Justice e qaunt qe a luy apent.

Des teres tenues en chef du Rey qe sunt aloingnees saunz conge le Rey dount ceus de Irlaunde dyunt qil pount bien fere e tous Jours le vnt fet; acorde est qe taunt tost come eles sunt alvenez, sevent pryses en la mayn le Rey par le Eschetur ausy come en Engletere e issi demeorgent taunt qil eyent fet gre le Rev. E event la Justice le Tresorer e le Consevil ioyntement poer de prendre tels manere de fyns. E desoremes ne eyt nul poer de feffer autre de tere qu est tenue en chef du Rey, for a tenyr du Rey en chef e ce par conge du Rey ou de la Justice, si il ne seyt en tere de gerre ou de marche e la eyent bien poer les seygnurs qe tengt del Rey a feffer autres a tenyr de eus pur defendre la terre a prou de eus e al encres de la seygnurye le Rey e de sa pes. E qe tel poer eyent les seygnurs en ce dreyn cas de fere feffemens taunt qe le Rey emparle autre fiez ou taunt qil le vuyle repeler Issi negedent qe les feffemens qe auerunt este fes auaunt ce repel estoysent, e seyent ferms e estables.

Acorde est que nul Seneschal de ffraunchyse seyt Justice de Eyre ne de Bank ou aylours ou fraunchises deyuent estre tryez.

Del Quinzyme de Irlaunde seyt fet solume la fourme qui ount ylleges e sicome fu fet en Engletere e les despenses des Taxurs e des Cuyllurs seyent en la descreciun del Tresorer e des Baruns del Eschekere de Irlaunde ausy come en Engletere, whatever appertains to their office, and that the bailiffs who answer to the Exchequer by their own hand be appointed by those of the Exchequer, and those who are answerable to the sheriffs be appointed by the sheriffs; and that each sheriff be charged by his oath when he shall take the oath that he appoint such persons as he will be answerable for, so as in England, and that nevertheless the sheriffs be intentive to the commands of the Justiciar and as much as to him appertains.

II. Concerning the lands held in chief of the King, Lands held of which are alienated without licence of the King, as to the King in chief: which those of Ireland say that they have full power to alienation do, and always have done so, it is agreed that as soon as licence. they are alienated, they be taken into the hand of the King by the Escheator, so as in England, and so remain until they have made satisfaction to the King; and that the Justiciar, the Treasurer, and the Council jointly have power to take such kind of fines; and that henceforth Feofiments, none have power to enfeoff another of land which is held in chief of the King, save to hold of the King in chief, and that by leave of the King or of the Justiciar if it be not . in land of war or in the marches, and that there the lords that hold of the King have full power to enfeoff others to hold of them for the defence of the land to their profit and to the increase of the lordship of the King and of his peace; and that the lords have such power in this last case to make feoffments, until the King advises at another time or until he wish to recall it. So nevertheless that the feoffments which have been made before this recall, shall be and are firm and established.

III. It is agreed that no seneschal of a liberty be a Jus- No seneschal tice Itinerant or of the Bench, or elsewhere where fran- to be Justice chises ought to be tried.

IV. Concerning the "Fifteenth" in Ireland, let it be Collection done according to the form that they have there, and as of the was done in England, and the expenses of the Taxers and of the Collectors be in the discretion of the Treasurer and of the Barons of the Exchequer of Ireland, so as in England.

without

chises to be tried.

E aussý veut le Reý qe les teres le Reý e les Curz qe sunt baýlles a ferme a tenýr a la volunte le Reý pur meýns qe la dreýte value seýent reprýs en la maýn le Reý e baýlles a certeýne genz qe respoýnent pur la verreye value ausý come le Tresorer verra qe meuz seýt a fere al prou le Reý.

E ueut le Rey que les fez des Justices e autre mynystres le Rey en Irlaunde les quels fez il soleynt prendre al comencement del terme pur le terme que fust auenyr que Justices et tous les sutres que fe pernunt seyent paez de lur fez a la fyn de checun terme aussy come il est fet en Engletere.

25 EDWARD I. A.D. 1297.

[The Black Book of Christ Church, Dublin, fol. 6-8.]¹ De consilio Hibnie p magnatos totius illius insule.

JUSTICIARIUS hie de cõi consilio dni Reĝ in hac fra ad pacē firmius stabiliend ordinauit * statuit gefiale pliamētū hie ad hūc diē. Et mādatū fuit Archiepis, Epis, Abbatib3, * Piorib3 quos psencia videt ad hoc če necessaria, nonō * Comitib3 Baronib3 * aliis optimatib3 fre hui' videlic3 unicuique eos p se q̃d čent hie ad hūc diē *c. Et nichomin' peeptū fuit vicecomitib3 Dublin, Loueth, Kyldar, Waffford, Typerary, Cork, Lymyk, kerr, Connac, * Roskoman, nonō * Senescalt libertatū Mydye, Weyseford, katherlagh, kylkeny, *

P divisione comitatuum * meliori regimine regni.

¹ The entry in the Black Book is without date. William Lynch, in his Leyal Institutions, &c., in Ireland, and others, attribute this parliament to the 23rd year of K. Edward I., while Sir William Betham, in his Early Parliaments of Ireland, adduces evidence of its having been held in 1297, in the 25th year of that King's reign. Betham noticed that in the record itself, Richard Taff and William de Hacche appear as Sheriffs of Dublin and Louth, respectively, and, on search, he found them accounting as such in the Great Roll of the Pipe for that year.

The statute enacts that the Liberty of Kildare shall be a county in itself, with sheriff, &c.; and a Justiciary Roll, 25 Edward I., confirms Betham's dating of the enactment. From an entry at m. 19 of this Roll, wherein are recorded Common Pleas held before John Wogan, Chief Justiciar, on 5th May, 1297, it appears that in a certain case the seneschal of the

V. And also the King wills that the lands of the King Resumption. and the courts, which are let to farm, to hold at the will of and reletting lands. the King, for less than the right value, be resumed into the hand of the King, and let to certain persons who shail answer for the true value, so as the Treasurer shall see what is best to be done for the profit of the King.

VI. And the King wills that the fees of the Justices and Fees of other ministers of the King in Ireland, which fees they are Justices, &c., accustomed to take at the beginning of the term for the end of each term to come—that Justices and all the others who take term. fees be paid their fees at the end of each term, so as it is done in England.

25 EDWARD I. A.D. 1297.

F the Council of Ireland by the magnates of all that

The Justiciar here, with the common council of the lord For division the King in this land, in order to establish peace more of counties firmly, ordained and appointed a general parliament here rule of the at this day. And it was commanded to the Archbishops, realm. Bishops, Abbots, and Priors, whose presence seems to be hereunto necessary, also to the Earls, Barons, and other chief persons of this land, to wit, to each of them severally, that they should be here at this day, &c. And likewise it was commanded to the sheriffs of Dublin, Louth, Kildare, Waterford, Tipperary, Cork, Limerick, Kerry, Connaught, and Roscommon, and also to the seneschals of the liberties of Meath, Wexford, Carlow, Kilkenny, and Ulster,

The text of the above will be found printed in the Miscellany, Irish Archanlogical Society. 1846, p. 15, and Betham has a translation at p. 262 of his

work, above cited.

Liberty of Kildare had, some little time before, failed in acting on a writ. and the record goes on to say that because a sheriff is newly created there, in place of a seneschal, the sheriff is directed to distrain the parties. This entry tends to prove that the parliament which enacted this statute sat in the early part of 1297.

vlton, qd unusqisq eoz p se videlicz vicecomes in pleno Comitatu suo & Senescallus in plena Cura sua libtatis seu p assensū Comitatus sui seu libtatis eligi facet duos de phiorib; & discrecorib; militib; de singut Comitatib; & libtatiba, ad hic nuc intessent plena potestatem habentes de tota coitate Comitat e libratis ec, ad faciend e recipiend ec, e qd quiliby vicecomes & Senescallus fuisset hic in ppiis psonis &c. Et Thom Mydens, Nichs Leglinens, ec Epi, e Ricardus de Burgo Comes vltonye modo venit, * similit Ricard, Taff vič Dublinye, Wilts de hacche, vic Loueth, &c, Walt's Trouman seneschalus de Trym &c, simitr veniūt, * brevia sua retornata, & Walfs de la Haye € Eustacius le Poer electi p coitate libtat Kylkenn Jeorgius de Rupe electus p coitate Comitatus Lymyk, Et Nicholaus Ardmacadens Archieps & celi €c -veftūt. absenciam suā excusantes miserūt hic pcuratores seu attornatos suos, videlicz Bdcs Archieps I. & N. &c, set Wilts Archieps Et similit Hugo de Leis un elector p Tuamens ec, no veñ. Comit de Lyfflyk, ze no vestut. Ideo ipi in mia. Et in psencia Bdcos Epos Mydens, Leglinens, & Comit & Baronū & alios optimatu hic copenciu de coi consilio dni Reg in hac fra fce ftut queda pvisiones, & vnanimi? ab öibus' concordate & concesse saluo Jure đni Reg tč.

In pimis quia visu est qd Comitat? Dublin nimis est confus?

ptes eius nimis ab inuice remote e dispse, vipote vitonia e Mydia, e postmodu Lagenya cu valle Dublin ec, p quod min copeint deseruit dno Regi in pceptis suis, e Curie sue, neno e ppis suus min sufficient regit siue gubernat. Concordatu est qd de ceto sit qida vicecomes in vitonya tam de Croceys vitonye qu ad faciend execucones in libitate vitonye cu

that each of them by himself, to wit, the sheriff in his full county court, and the seneschal in his full court of the liberty, by the assent of his county or liberty, should cause to be elected two of the most honest and discreet knights of the several counties and liberties, that they should now be present here, having full power from the whole community of the county and liberty, &c., to do and to receive, &c., that each sheriff and seneschal should be here in their proper persons, &c. And Thomas bishop of Meath, Nicholas bishop of Leighlin, &c., and Richard de Burgo earl of Ulster, now come, and in like manner Richard Taff sheriff of Dublin, William de Hacche sheriff of Louth, &c., Walter Trouman seneschal of Trim, &c., likewise come, and their writs returned, and Walter de la Haye and Eustace le Poer, elected by the community of the liberty of Kilkenny, George de Rupe, elected by the community of the county of Limerick, &c., came. And Nicholas archbishop of Armagh and the others, excusing their absence, sent here their proctors or attorneys, to wit, the said Archbishop I. and N., &c., but William archbishop of Tuam, &c., came not. And in like manner Hugh de Leis, one of those elected by the county of Limerick, &c., came not. Therefore they in And in presence of the aforesaid Bishops of. Meath and Leighlin and the Earl and Barons, and other chief persons here appearing of the common council of the lord the King in this land, certain provisions were made and by all unanimously agreed to and granted, saving the right of the lord the King, &c.

I. Firstly, whereas it is seen that the county of Dublin is too much scattered, and the parts thereof too far removed from each other and dispersed, as well Ulster and Meath, and then Leinster with the vale of Dublin, &c., whereby it less competently obeys the lord the King in his precepts and those of his court, and also his people is less adequately ruled or governed. It is agreed that henceforward there be a sheriff in Ulster, as well Sheriff in the crosses of Ulster, as to carry out executions in the liberty of Ulster, when default is found in the

defectus inueniat, in Senescalt Bdce libtatis, & qd vicecom Dublin amo se no intomittat in vltonya. Concordatū est eciā qd Mydya sit un' Comitat' p se, tam videlic; Pra libtatis de Trym qam fra Teobaldy de Verdon, a omnes fre Crocearū infa pcinctū Mydye existētes, * qd de celo sit ibi êtus vicecomes * Comitatū suū teneat apd kenles quolibet die Jouis post Comitatu Dublin e ipe execucones faciet in Bdca libtate de Trym cū defectus inueniatr ₹c̃. Et βccs Teobaldus de Verdoñ p se * Almarico de sco Amando tenete suo * eox heredib; concessit, qd ipi de cetero faciet secta ad pdcm Comitatu Mydie p sic qd absoluant^r a sectis qas debnt ad Comitatū Dublin, € eis cōcedit^r. Comitatus etiā kyldar qi quondā fuit libertas intendens Comitatui Dublin sit de cefo Comitat' p se una cu Pris Croceis * aliis Pris pticipū dnici lagen inf pcinctū eiusdm cōtentis a jurisdiccone vicecomitis Dublin totalit absolut. Et sit ibi vicecomes sicut nuc est ec.

Itm quia quidā magnates * alii qi qasdā fras hnt in Marchiis ppe hybnicos * alias fras in fra pacis manēt, * morant in mafiis suis in fra pacis fris suis in Marchiis relictis vastis, * incultis, * sā custodia * felones hybnici p mediū hui?modi frarū vastarū in Marchiis suis tanseuntes libe ptanseūt ad pptand roberias, homicidia, et alia mala ŝr anglicos * p eas redeūt sā arrestacone, clamore, vt impedimto, p quod qaplures Marchie vt onino destruūtur, au p maiori pte ruinose sūt Anglici inhabitātes * felonibus obediūt: ut qasi in exiliū effugant. Concordatū est q̃ tentes hui?modi cui?cūq fiint auctoritatis seu condiconis apponāt * heant Wardas in fris suis in Marchia

seneschal of the aforesaid liberty, and that the sheriff of Dublin intermeddle not henceforth in Ulster. also agreed that Meath be a county by itself, to wit, as well sheriff. the land of the liberty of Trim as the land of Theobald de Verdon, and all the lands of the crosses being within the precinct of Meath, and that there be henceforth a sheriff there, and that he hold his county court at Kells on each Thursday after the county court of Dublin, and he shall make executions in the aforesaid liberty of Trim when default is found, &c. And the aforesaid Theobald de Verdon, for himself and Almaric de Saint Amand his tenant and their heirs, granted that they will henceforth do suit at the said county court of Meath aforesaid, so that they be absolved from the suits which they owe at the county court of Dublin, and it is Moreover that the county of Kil-Kildare a granted unto them. dare, which was formerly a liberty intentive to the county with county of Dublin, be henceforth a county by itself, together with the Cross lands and other lands of the parceners of the lordship of Leinster, contained within the precinct of the same, totally discharged from the jurisdiction of the sheriff of Dublin. And that a sheriff be there as now is, &c.

II. Likewise whereas some great persons and others who have divers lands in the marches near the Irish, and other lands in a land of peace, remain and dwell in their manors in a land of peace, their lands in the marches being left waste and uncultivated and without a guard; and Irish felons by means of such waste lands in their marches, pass freely through to perpetrate robberies, homicides, and other mischiefs upon the English, and return through them without arrest, hue-and-cry, or hindrance; whereby very many marches are either altogether destroyed or are for the greater part ruinous, and the English inhabitants either obey felons or are driven as it were into exile. It is agreed Marches to be that tenants of this kind, of whatever authority or condi-guarded. tion they be, place and have wards in their lands in the march, according to the quantity of those lands, lest

It is Meath to be a

iux qantitatë traru illaru ne maleftores ptanseat p tras illas inpunes, ut no psecuti, a quociens necesse füit tentes hui modi ad hoc distingant p capcone traru illaru in manu dni Reg, modis aliis qib; Cura dni Reg meli videbit expedire.

C. Freqnt eciā accidit qd felones evadūt cū predis suis aliqando captis in tra pacis p eo qd compatiote no fint equos ad arma ad inseque eos sicut expediret. Qappi concordata est & concessu, qui quilib; tenes xx libratas fre sine in marchia sine in Pra pacis cui cuque fuit codiconis habeat vnu Equ competno cooptū, una cū celis armis q̃ ad hoc ptint cotinue pmptu in sua Alii autē tentes heant hobinos * alios Equos discooptos iux" suas facultates. Et quociens defcs repiatr in aliqo distingat deficiens v puniat sčdm arbitiu Justič, vič v sen. Magnates eciā * alii qi morantr in anglia ut alibi ex Prā istā qui pficua fre sue tansfori fecut ad eos ab hac fra a nich hic dimittetes ad saluand tenemta sua seu tentes corude de cefo pmittāt porconem copetētē remarle, saltī in manibus balliuos suoz p qam tre sue ppie copenti saluari poterint e defendi si guerrā seu pacis ptrbacionē p aliqos contigit ibi suscitari. ad hoc faciend cu op' füit p vicecom siue senescallu efficacif distingantr.

C. Freqne eciā euadunt felones cu pdis suis p eo qd copatiote simul cu eis no insurgut so quidā eo qasi qgaudētes dāpno e ruine vicini sui quo iuste dolere debent se simulāt e tabescut pmittētes felones hio cu pdis suis indēpnes tansire. Qamobre

malefactors pass through those lands unpunished or not pursued, and as often as it shall be necessary, tenants of this kind may be distrained thereunto, by taking their lands into the hand of the lord the King, and by other methods which the court of the lord the King shall see most expedient.

III. Frequently also it happens that felons escape with their booty, sometimes taken in a land of peace, because the country people have not armed horse to pursue them as would be expedient. Wherefore it is agreed and granted Certain that every tenant holding xx. librates of land, whether in tenants to have horses the march or in land of peace, of whatsoever condition with arms, he be, have a horse suitably caparisoned, together with &c., ready. the other arms which hereunto pertain, constantly ready in his dwelling. And that other tenants have hobbies and other horses unarmed according to their abilities. And as often as default shall be found in any one, that the defaulter be distrained and punished according to the discretion of the Justice, sheriff, and seneschal. magnates also and others who reside in England or else Residents out where out of this land, who cause the profits of their contribute for land to be transmitted to them from this land, leaving its defence. nothing here to protect their tenements or the tenants thereof, shall from henceforth permit a competent portion to remain at least in the hands of their bailiffs, whereby their own lands may be sufficiently saved and defended, if it happen that war or disturbance of peace should be excited there by any persons. And that when it shall be necessary they shall be effectually distrained by the sheriff or the seneschal to do this.

IV. Frequently also felons escape with their spoils, by reason that the country people do not rise together with them [those plundered], but some of them, as if exulting in the damage and ruin of their neighbour, at which they ought justly to grieve, feign and conceal themselves, permitting such felons to pass unhurt with their spoils.

cocordatu est e concessu, qd cu latrones seu robiatores veffint in aliqum patia ad capied pdas vi aliud malu faciend oms copatiote qu cicio ad noticia sua polit aduent illoru deuenire simul insurgat, e illos insequet cu effectu. Qicuq vo copatiotaru illos couinci polit qd in insurgado vel in illos insequed n'gligas fuit ut remissus erga dominu Rega guil puniat, e leso ptê rei pdite restituat iux culpa n'ligacie sue ut remissionis, e scdm discocona Justic ad hui modi quela audienda assignati.

C. Quia eciā comūitas fre huius multū hacten? gauata fuit p exceit? quos magnates duxerūt sine Warāto p mediū fre pacis se Marchiarū vi guerra nō fuit. Cōcordatū est se cōcessū q̃d nulli licebit de cetero exceitū duce exa frā suā ni šr hoc licēciā a Capit Justič ut mādatū hūit spāle, se tūc oms quotqot duxit pcipiēt vadia sua de suo ductore, un raconabili pofint in suo Itifie sustētari. Qi autē huic ordinaconi contavefiit erga dām Regē gauif puniat, se lesis dāpna restituct, taxanda p visnetū cōpetentē.

C. Fuit eciā eadē Cōmunitas multociēs gauata p magnates a alios habētes kaernias viuētes cōtinue sūptib3 alienis tā in Marchiis qā in Pra pacis p quod p̃pts vehemē est¹ depaupat' sr qo cōcordatū est a cōcessū qd nullus de cefo cui'cūque fflit auctoritatis vi cōdiconis teneat kaernias seu hõies ociosos plures aut alios qam ipemet polit volitit de suo ppio sustifie, no aliqs hui' hominū ociosos aliqid de cefo capiat ab aliqo vicino dni sui aut alio qā volūtatē donatoris nō coactā, qd si fiat de cefo ille

Wherefore it is agreed and granted that when thieves or Country robbers shall come into any country to take spoils or to do people to any other mischief, all the country people, as soon as their robbers, &c. approach can come to their knowledge, rise together and effectually pursue them. And whosoever of those country people can be convicted of having been negligent or remiss in rising or in pursuing them shall be heavily Penalty. punished towards the lord the King, and shall restore to the injured party a proportion of the property lost, according to the criminality of his negligence or remissness, and according to the discretion of the Justice assigned to hear such complaint.

V. Because also the commonalty of this land was hitherto much aggrieved by armies, which great men have led without warrant through the midst of a land of peace and of marches where there was no war. agreed and granted that from henceforth it shall not be No army to lawful to anyone to lead an army out of his own land, be led through land unless he shall have had a licence for this from the Chief of peace Justiciar, or a special mandate, and then all, as many as he licence. shall have led, shall receive their wages from their leader, that they may be reasonably supported on their expedition. And he who shall contravene this ordinance shall be heavily punished towards the lord the King, and restore to the injured their damages to be assessed by a competent [jury of] the neighbourhood.

VI. The same commonalty has also on many occasions been aggrieved by magnates and others having kernes, continually living at other people's expense, as well in the marches as in land of peace, whereby the people is excessively impoverished. Whereupon it is agreed and granted that no person henceforward, of whatsoever authority or No one to condition he be, keep kernes or idle men more or keep more kernes or other than he himself can and will, out of his own resources, idle men than support; nor shall any of such idle men henceforth support. take anything from any neighbour of his lord or other, against the unconstrained will of the giver; which if it be done henceforward, he who shall have kept such idle men

qi hui? ociosos tensit gauit puniat p Justic vicecomite e senescallū, e lesis dāpna restituat, e ocosus ille capiat e impisonet quousq, gram a Cura dni Reg sistit optiste ne sa pleuina qd bā se geret in postū dimittatur a pisona.

C. Freqni eciā felones hybnici ad scelera ppetranda forcores sût effti p học qd cũ ad guerra ftint ut aligm intedût destruere pqirūt trebas seu treugas per quosdam anglicos de vicinis suis si dari p čtū temp' ut integrius & securi' vacare possint ad alios vicinos suos destruēdos. o s cū destrukint sepe cōtingit qd iidem hybnici eosam quos pius amicos če si simularūt infa temp? tebe seu treuge psequnt, forceletta eoz € mañia destruūt € coburut. Et ne hui piculu eueniat de celo, Cocordatu est * cocessu qd nulli licebit de celo hre ut tehe trebas seu treugas cū hybnicis ad guerrā, ut extra pacē existentiba, nisi treba illa seu treuga sit unitsat et equat tisus omes, nullo fideliū Qi. aut atr trebā seu treugā cepit ut excepto ut relicto. cocesserit hybnicis exa pace existentib; puniatr erga dnm Rege tanq^a pticeps malefti hui°modi hybnicoş € leso ptē rei pdite restituat sicut supius dem est de copatiota cu vicino suo sr felonē insurgere no volēte.

C. Freqnt eciā hybnici ad guerrā cocitant, p hoc qd cū ad pacē sint ut trebā seu tougā hilint gestalē p ctū tēp, ut tuico pacis p Curam dni Reg eis cocessa filit, qidā cupiditate ducti qidā vo vindicte ca ut inuidie seu namii capiēdi insidiātes eis subito ut noctan ruūt in eos tras eoş ītent pdas rapiūt, ut eoş asia aut

shall be heavily punished by the Justice, sheriff and seneschal, and indomnify the injured, and that such idle man be taken and imprisoned until he shall have deserved to obtain grace from the court of the lord the King; nor shall he be discharged from prison without bail for his good behaviour in future.

VII. Frequently also Irish felons are better enabled to perpetrate crimes by this means, namely, that when they happen to be at war, or intend to destroy any person, they demand truces or armistices to be given to them by some of the English of their neighbours for a certain time, that they may be more completely and securely at leisure to destroy their other neighbours, whom, when they have destroyed, it often happens that the same Irishmen within the time of the truce or armistice attack those whose friends they had before pretended to be, and destroy and burn their forcelets and manors. Therefore lest such a danger occur hereafter, it is agreed and granted that it shall not be lawful to any person henceforth to have or to hold truces or armistices with the Irish, being at war or All truces out of the peace, unless that truce or armistice be universal with Irish at war to be and equal towards all, none of the lieges being excepted or universal. left out; and that he who otherwise shall have taken or granted a truce or armistice to Irishmen being out of the peace, shall be punished towards the lord the King as a partaker of the guilt of such Irishmen, and shall restore to the injured party a proportion of the property lost, as is above said of a countryman not willing to rise with his neighbour against a felon.

VIII. Frequently also the Irish are stirred up to war hereby, that when they are at peace or have had a general truce or armistice for a certain time, or tuition of the peace has been granted to them by the Court of the lord the King, some led by covetousness, others from motives of revenge, envy, or of taking pledges, lying in wait for them, rush suddenly or by night upon them, enter their lands, carry off spoils or take and lead away their cattle or the men

holes nich mali salti tpe illo medio ilsus aliqui ppetantes in Marchiis suis inuētos capiūt * abducūt, p quod hybnici illi cū leues sīt aīo statī ad guerrā psiliūt, v vi patia debilior če credit, ibi deßdant tā illos qi in nullo pticipes ffut tansgressionis eis fce no inde ciuerunt aut ad hoc cosenserut qam amicos * affines hui? tansgressoz p quod patie locis pluribus deuastant^r, * eo cici⁹ quia raro accidit qd hui⁹ t*nsg*ssores se fideli? intemittät ad pace marchiaru sustetanda. Et ad malu hui vitand, decelo cocordatu est * cocessu q nulli licebit in futurū qoscūq hybnicos ad pace existetes ut habetes etā tebā seu treugă durăte îpe trebe seu teuge, vi durăte îpe tuiconis pacis eis quesse dumo hybnici illi pace tenfit tpe illo iuadoe, seu insultare que ca vi colore, no aliqid ab eis rape seu cape conta volutate eos no coacta, q si quis qavenire Bsupserit gaui? erga d'nm Regë puniat^r, tanq^a pacis sue pt^rbator, * nicho° hybnicis sic lesis dāpna restituat taxanda p visnetū copetētē.

C. Freqnf eciā accidit qd cū hybnici se dederint ad guerrand ex arrupto uel inpuiso Capit Justič tūc in ptib3 remotis agēte pauci uel nulli repiūtur qi resistāt * eos malefča repimāt ut pturbēt p q̃ sepius fre marchiarū qamplurimū deuastant. Ad quod piculū vitand inpoterū cocordatū est * cocessū q̃d qam cicio hybnici p homicidia ut incēdia seu pdas capiēdo se postint ad guerrand oms degētes in Comitatu seu libtate vi hybnici illi sūt morātes, * eciā vicini sui de cofinio Marchiarū suarū cocordio * insimul insurgāt in hybnicos, * eis guerrā manuteneāt sūptib3 suis ppiis qousq hybnici illi ad pacē se reddicint vel trebas seu treugas optintīt a magnatib3 fre illius ad hoc

found in their marches, who at least in the meantime are committing no mischief against any person; whereby those Irish, as they are excitable, rush instantly to war, and wherever the country is believed to be weakest there they plunder, as well those who were in nothing partakers of the wrong done them, nor did they know thereof or consent to it, as the friends and kin of such transgressors, whereby the countries are devastated in many places and so much the sooner, because it rarely happens that such transgressors interfere loyally to support the peace of the marches. Therefore to avoid such mischief hereafter, it is No Irishman agreed and granted that it shall not be lawful to any per-truce to be son in future for any cause or pretence to invade or attack attacked. any Irishmen being at peace, or having a fixed truce or armistice, during the time of the truce or armistice or during the time of the tuition of the peace granted to them, provided those Irishmen shall have kept the peace during such time, nor to seize or take anything from them against their unconstrained will; which if any person shall presume to contravene, he shall be heavily punished towards the lord the King as a disturber of his peace, and shall also restore to the Irish so injured, their damages to be assessed by a competent [jury of] the neighbourhood.

IX. Frequently also it happens that when the Irish have betaken themselves suddenly or unexpectedly to war, the Chief Justiciar acting then in remote parts, few or none are found who can resist and repress or interrupt their ravages; whereby the lands of the marches are very often extensively devastated. To obviate which danger in future, it is agreed and granted that as soon as the Irish by homicides or burnings or plunderings shall have set them- Dwellers in a selves to war, all persons dwelling in the county or liberty country when where those Irish are remaining, and also their neighbours rise. on the confine of their marches, shall with one accord and jointly rise upon the Irish and maintain war upon them at their own expense, until those Irishmen shall have rendered themselves to peace or obtained truces or armistices from the magnates of that land, hereunto deputed, or the Chief

deputatis, vi q̃d Capitai Justiciari° aliud inde dukit ordinand. Huic eciā ordinac̃oni nō obediēs p Justic, vicecom, seu senescallū distringat, * p rebellione sua puniat p demitis culpe sue.

C. Hybnici ecia de densitate boscoz e pfunditate moraru adjacēsiū confidētes assūunt audaciā cicius delingndi maxime cū via regia locis qamplurimis spissitudine bosci utocil crescentis iā sūt indensate * obtruse qd vix aliqis * pedestis p eas polit tansire p quod cu Hybnici post malefca sua restentes ad boscu huiusmodi ut mora possint ptinge licet copatiote comunif vellent eos inseqi ≈ eos insequatur euadūt sepi9 sã đpno vi si paret accessus, ab eis qi eos insegntr forent definensi. Sup qo ordinatū est * cōcessū qd đni bosco; p mediū quo; via regia fuit ab antiqo vna cū tentib; suis passus v via regia fore deb; basso ppe Prā * sat large sūptib; suis * teñciū suo; scindi faciāt e colpari, adeo qd via pateat satis larga e a spinis e arboribus tā stantiba qam jacētiba totalib emūdet. vo d'ns & tentes sui de loco vi passus colpandus fflit suff⁹re n polut sn magno dapno custagia ad hui modi colpaconem necca tūc dns Rex vi Capit Justiciarius hre faciat eis auxiliū de tota patia adjacēte. Et si dns ille cū tentib3 suis so face noglexit p vicecom distingat ad hoc faciend, vel Capit Justic illud fieri faciat suptib; eoz, * nichomin' erga dnm Rege gauif puniant. Pôtes eciā € Calceta repent^r in locis suis sicut ĉe debent € solent * vi disrupta * cofracta filint siue potes siue Calceta, * ille qi ea repare tenetr non sufficiat ad tāta custagia patie

Justiciar shall have determined to order anything elso And that he who is not obedient to this ordinance shall also by the Justice, sheriff or seneschal be distrained and punished for his rebellion according to the deserts of his crime.

X. Likewise, the Irish confiding in the thickness of the woods and the depth of the adjacent bogs become more rapidly daring in doing mischief, especially when the King's highway in very many places is now so closed up and obstructed by the thickness of quickly growing wood, that scarcely any person, even on foot, can pass through them, whereby when the Irish returning after their misdeeds can reach a wood of this kind or a bog, although the country people in a body should wish to pursue them, and do pursue them, they often escape without hurt, whereas if access were open, they would be caught by those who pursue them. Whereupon it is ordained and granted that Ancient highthe lords of the woods through the midst whereof the ways through King's highway anciently was, shall with their tenants preserved, cause passes, where the King's highway should be, to be and cleared. and cleared low close to down, the ground, and sufficiently wide. their own expense, that of their tenants, that a road of a suffi-SO cient width may be opened, and totally from briars and trees as well standing as But if the lord and his tenants of the place where the Adjacent pass should be cut, cannot without great loss support the aid. costs necessary for such cutting, then that the lord the King or the Chief Justiciar do cause them to have aid from the whole adjacent country. And if that lord with his tenants shall have neglected so to do, that he be distrained by the sheriff to do the same, or the Chief Justiciar may cause it to be done at their expense, and that they nevertheless be heavily punished towards the lord the King. That bridges Bridges and also and causeways be repaired in their places as they be repaired. ought and used to be, and where either bridges or causeways shall be broken and demolished, and he who is bound to repair them is not sufficient for such great expense, that

ad quos pfectu erut relevata invenist cõiter ad ea relevand e relevata manuteneat ille qi tenet, e nichomin, cu facultas ei subflit, reddat unicuiq qd pacavit, Capit aute Justic gauit puniat quos huic ordinaconi qarios investit ut rebelles. Tota ecia comunitas lagen q quonda fuit vna libtas simul levent simul qtibuant simul guerram ilsus hybnicos manuteneant vnanimi cosilio ducant e qadicetes e discordes gauit puniat.

C. Anglici eciā quasi degestes modernis tpibus hybnicalib3 se induüt vestimtis, & habētes Capita semirasa capillos a reto capitis nutiunt e allogat, e illos Culan vocat hybnicis ta habitu qem facie sese coformates p q freque accidit anglicos quosda p hybnicis reputatos inffici licz anglicos e hybnicos occisio diffsos modos postulat puniedi, e p occisione hui? int qemptimos īimicicie malia geffat^r € rancoris. Affines q°3 tā occisoris q⁴ Et eo circa occisi sepe pst⁹nūt^r al⁰natī velud inimici. cocordatu est e concessu qd oms anglici in hac ra salti in Capite q plus visui se ssentāt mores e tonsurā gerant anglicos, n° amplius psumāt au Pe comes in Colanū, quod si fecint Justič vicecom Senescallus libtatū dni eciā in quos dnio anglici hui? repiant, * eo; senescallus anglicos illos p Pras * Catalla sua, nºñ & p arestaconem corpis sui & imprisonamentu si necc fuit habitū hybnicalem saltī in Capite seu Capill relinqre distingāt, 💌 copellant, nº amplius respodeat^r anglico capd habenti in forma hybnici tensmutatū qem hybnico respondet si in casu cosimili ą̃stus čet.

the districts for whose benefit they shall be raised shall find means in common to rebuild them, and that when rebuilt he who is bound shall maintain them, and that nevertheless when ability shall serve him he shall restore to every person what he has paid. And that the Chief Justiciar Penalty. heavily punish those whom he shall find adverse or rebellious to this ordinance. Also that the whole community of Leinster, which formerly was one liberty, shall together levy, together contribute to, together maintain, war against the Irish, be led by a common counsel, and that the refractory and discordant be heavily punished.

XI. Englishmen also as degenerate in modern times, attire themselves in Irish garments and having their heads half shaven, grow and extend the hairs from the back of the head and call them Culan, conforming themselves to the Irish as well in garb as in countenance, whereby it frequently happens that some Englishmen reputed as Irishmen are slain, although the killing of Englishmen and of Irishmen requires different modes of punishment. by such killing matter of enmity and rancour is generated amongst many. The kindred also, as well of the slayer as of the slain are often by turns struck down as enemies. And therefore it is agreed and granted that all Englishmen in this land wear, at least in that part of the head which presents itself most to view, the mode and tonsure of Englishmen, nor longer presume to turn their hair in the Culan, which if they shall do, that the Justice, Englishmen sheriff, seneschal of liberties, and also the lords in not to use whose lordship such Englishmen may be found, and their dress as seneschal distrain and compel those Englishmen their lands and chattels, and also, if it shall be necessary, by arrest of their body and imprisonment, to relinquish the Penalty. Irish dress at least in the head or hair, and that there be no further answer made to an Englishman having his head transformed in the fashion of an Irishman, than would be made to an Irishman if he should complain in the like case.

by Irishmen.

C. Assignent de celo in quolib; Comitatu e qualib; libitate vi hibnici st inhabitātes duo magnates qi cū Capitalis Justiciarius in remotis ptib; extifit cū hybnici pciū illarū lad guerrā se poñtib; licite tractent p bono pacis, e si deposcat cōmunis vtilitas eis p aliq curtum tpis spaciū treugā seu trebā sub bo securitate hinc inde facienda cōcedāt gestalē, e statī mādent Capit Justič quid agat sr hoc distincte apte ut ipe Justiciari cōpetns remediū sr hoc faciat ordinare.

27 EDWARD I. A.D. 1299.

[JUSTICIARY ROLL, 27 EDWARD I. m. 20.]

Placita Parleamenti apud Dubin coram Johe Wogan Capit Justič Hibñ & consilio Rege &c. a die Pasch in xv. dies anno ř R E. xxvii°. Wogan.

A D βcauendū dampno quod posset euenire p falsas monetas quas diūsi mcatores extenei ducunt in hanc fram de quib3 quidem monetis aliqe libra non valet ulte quinq solidos sflinguos e aliqe libra valet parū plus, et facte sunt huiusmodi monete apud ffaukemont e aliis diūsis locis in Alemannia ubi de gra Regę prius fuit pmissū qd moneta que vocatur les Ballardz, e monete consimiles de quib3 quett libra valet ad min? decem e octo solid currerent inf monetam Regę vocatis coram Justic hic e consilio ec duob3 de legaliorib3 Ciuib3 e Burgensib3 cuiustt Ciuitatis e Burgi ubi huiusmodi mcatores applicant in hac fra, electis ad hoc p Comitates βdcos Ciuitatuū e Burgos p βdcos Justic e consiliū et de assensu βdcos Ciuiū e Burgen, concordatū est e puisū, qd in quott portu, Ciuitate e Burgo, e feriis vbi huiusmodi mcatores applicant e

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^{*80} in MS. for ordinari.

XII. That there be henceforth assigned in every county In absence of and every liberty where the Irish are inhabitants, two magnates in magnates, who when the Chief Justiciar happen to be in each county remote parts, when the Irish of those parts lawfully treat for the good of peace with those placing themselves in a state of war; and if the common advantage demand, may grant them, for some short space of time, a general truce or armistice, under good security to be given hereupon, and shall immediately send to the Chief Justiciar what is done hereupon, distinctly and openly, that the Justiciar himself may cause a sufficient remedy to be ordained hereupon.

may to treat for

27 EDWARD I. A.D. 1299.

LEAS of Parliament at Dublin before John Wogan, Chief Justiciar of Ireland, and the Council of the King, in fifteen days from Easter in the 27th year of the reign of King Edward.

To provide against loss which may arise by false moneys Against false which divers foreign merchants bring into this land, of money and for which moneys any pound is not worth above five shillings the currency. sterling, and another pound worth little more, and such moneys are made at Faukemont and divers other places in Germany, where by the King's grace it was before permitted that money which is called the Ballards and like moneys, of which each pound is worth at least eighteen shillings, should run with the King's money; having called before the Justiciar here and the Council, &c., two of the most worthy citizens and burgesses of each city and burgh where such merchants arrive in this land, elected for this by the communities of the said cities and burghs. It is agreed and provided by the said Justiciar and Council, and with the assent of the said citizens and burgesses, that in each port, city and burgh, and fairs, where such merchants arrive and

excent, assignantur cte psone legales ad hoc iurate ad scrutand € cchiand mcatores quoscuq, tam in Naui qa exta, si huiusmodi falsas monetas ferant uel habeant et moneta de qua habetur suspicio mali, statim assaietur p dimidiam vnciam. comptū ffiit qd libra monete illius non valeat unam marcam uel amplius, tunc moneta illa que sic falsa repietur arestabitr € saluo custodietur p pdcos scrutatores quousq, p consiliu Rege aliud inde huerint in mandatis, et in Scacio videbitr si debeat Monete vero quay vna libra valet Regi forisfieri uel non. vnam marcam vel vlta et etiam omes alie monete de argento modo sparse e diuulgate in hac Pra, nisi fisse vel fracte filint vlt. mediū currant p totam fram, quousq; aliud inde füit Et q fama comis est qd mcatores huiusmodi tulerūt * asportatut monetam dni Rege * argentu puru ex* hanc fram ad escambiend in ptib; alienis p falsa moneta in has ptes deferenda; puisū est * ordinatū qd pdci scrutatores scrutent € cherchient naues, marinellos, mcatores, € alios quoscuq, € non pmittant monetam Rege, nec aliqued aliud argentū purū tonsuehi exo hanc fram, ad aliquod escambiŭ faciendu, uel ad alias mcandisas exceendas proja ad ronabiles misas marinellos illos e ficatos et saluis magnatib; alibi morantib; exitib; fras suaz quas habent in hac Pra, ducendis uel mittendis ad eos scam quod inde p consiliu R hic fuit ordinatu.

Postea in septimana Pentecostes, dñs Rex mandanit sup hoc Justic hic bre suu patens, sicut patet inferius in rotulis istius Pmini &c.

Audita etiam querimonia Comitatū diffso; Comitatuū, de eo q̃d famuli, carucarii, carectarii, trituratores ε alii suientes sui contempnūt suire de suiciis de quibz suire solebant β fertilitate instantis anni vocatis de diffsis Comitatib5, Militio5 ε aliis pbis ε legalib5 homib5, concordatū est ε puisū, q̃d

occupy themselves, there be assigned certain lawful persons sworn for this purpose, to examine and search all mer-Persons chants as well in ship as without, if they carry or have such search foreign false moneys, and money of which there is suspicion of merchants. badness, be forthwith assayed by the half ounce. And if it shall appear that the pound of that money be not worth False money one mark or more, then that money which is so found false to be seized. be seized and safe kept by said searchers, until by the King's Council they shall be otherwise commanded about it, and it appear in the Exchequer if it ought to be forfeited to the King or not. Moneys however, of which one pound is worth one mark or more, and also all other moneys of silver now scattered and commonly used in this land, unless they be split or broken beyond the middle, shall be current through the whole land, until it shall be otherwise ordained therein. And because it is common fame that such merchants carry and bring away money of the lord the King and pure silver out of this land, to exchange in foreign parts for false money to be brought into these parts: it is provided and ordained that the said searchers examine and search ships, mariners, merchants and others whomsoever, and do not permit the King's money or any other pure silver to be The King's carried out of this land to make any exchange, or to use money not to be carried other merchandise, except for reasonable expenses of the away. said mariners and merchants; and saving to magnates dwelling elsewhere the issues of their lands, which they have in this land, to be brought or sent to them, according

Afterward in the week of Pentecost, the lord the King directed his writ patent upon this to his Justiciar here, as appears below in the rolls of that term.

as thereof shall be ordained by the King's Council here.

Also having heard a complaint of the communities of Regulations divers counties, for that servants, ploughmen, carters, as to servants threshers, and other their servants refuse to serve about wages. the services for which they were accustomed to serve, on account of the fertility of the present year; there having been called from divers counties, the knights and other

and their

huiusmodi suientes deserviant sicut solebant * cū dnis suis stent, cū quib; prius stefunt, * pcipiant libacones * stipendia, sicut aliis annis solebant, nec liceat alicui dno dare uel libare famulis suis maiores libacones vel ampliora stipendia, qui dari solebat in prin, qua morant^r. Nec alicui liceat allopare seu tefie suiente vel ancillam vicini sui seu alfius sine voluntate illius cu quo prius stelat, et qui contauefit alli istaz ordinaconu, cadat in miam dni Rege ad min' de dimidia marca qam vic loci statim leuabit, * restituant n'omin' lesis dampna sua. vicecomites similit in balliuis suis tam infra libtatem qam exta pmunient huiusmodi suientes * ancillas cuiuscuq condiconis qui noldint vel contempserint suire conta Bdcas puisiones, qd p pisonam punienti iuxa demita a omib3 modi[s]1 aliis, quib3 pdci vicecomites viderint expedire. Et fiat inde pelamaco, in qualt villa mc[at] 1 feria ec. Et hoc mandatu est tam vicecomitib; q*m Senescallis libtatū *č.

Inhibitū est etiam sicut antiquit' fieri consueuit, qd porci de cefo non pascant in Corraghto de Kildar, quod est comis pastura ec. in solo dni Rege. Et vic puniat illos, qui porcos suos fugent uel fieant ibi fodientes uel pascentes, prius p miam, e postea p amissom porcos illos e gauius si sepius sic delinquant.

Audita alias peticone Maioris & Balliuoz Ciuitatis Rege Cork, de eo qd habent allocacom in Scacio de xii. libr, ix. s. & qatuor den, quos soldut p pceptu Rege p fretto cuiusdam nauis que vocata fuit le Snack & p victualib in ea positis, ad tansuehend in Vascon, ad execitu R tuc ibidm existente. Que quidem nauis in Itire illo sine culpa alicuius a casu piclitata fuit cu

¹ Torn.

good and lawful men, it is agreed and provided that such servants should serve as they were accustomed, and should stay with their lords with whom they stayed before, and receive the liveries and wages as in other years they were accustomed; nor is it permitted to any lord to give or deliver to his servants greater liveries or larger wages than was accustomed to be given in the country where they Nor is it permitted to anyone to draw away or keep a servant or maid of his neighbour or of another, without the will of him with whom he stayed before. And whoso shall contravene either of these ordinances, let him fall in amercement of the lord the King, at least of half a mark which the sheriff of the place shall forthwith levy, and nevertheless they shall restore their damages to the injured persons. And sheriffs likewise in their bailiwicks, as well within liberty as without shall warn such servants and maids, of whatsoever condition, who are unwilling or refuse to serve, contrary to the aforesaid provisions, that they shall be punished by prison according to their deserts, and in all other ways, in which the said sheriffs may see to be expedient. And let proclamation be made thereof in each market town, fair, &c. And this is commanded as well to sheriffs as to seneschals of liberties, &c.

It is forbidden also, as anciently was accustomed Against swine to be done, that swine henceforth feed in the Curragh feeding in the Curragh of of Kildare, which is common pasture, &c., in the soil of Kildare. the lord the King. And let the sheriff punish those who drive their swine or have them there rooting or feeding, first by amercement and afterward by loss of those swine, and more heavily if they more often so offend.

Having heard at another time a petition of the mayor Allowance to and bailiffs of the King's city of Cork, for that they should Mayor of have allowance in the Exchequer of 121. 9s. 4d. which they certain paid by the King's precept for freight of a certain ship freight, &c. which was called the Snack and for victuals placed in her, to be conveyed into Gascony to the King's army then being there; which ship was in that voyage, without

Bdcis victualib; et similif qd habent allocacom in Bdco Scecio de octo marcis e duoba solid, quos similio solunt ad repacom Gaole de Cork p bre R de Scacio, sub testio Nichi de Clere tunc Thes *c; concordatum fuit qd magr Thomas Cantok Cancellarius ec p plos e leg homies de ptib; fdcis no suspectos ₹č inquireret inde plenius vitatem, qui p sacrm pboz ₹č inde fecit inquisicom ec que dicit qu' fldci maior e Balliui solunt xii. ti. ix s. * qetuor den p fretto Bdce nauis * p victualib3 in ea missis vsus Vascon occone pdca et qd pdca nauis in Itifie illo piclitata fuit cum omib; reb; in ea existentib; in la Bradepulle in portu Bristolf sine culpa alicuius. Et e[tiam]1 qđ pdči maior & Balliui p pceptū dni R. p pdčm bře soldut octo marcas e duos solid ad rep[acom] Bdce Gaole p manus Robti Pultam & Elye Sage conciuiu suoz &c. Io heant inde allocacom. ex assensu & consensu tocius consilii &c.

Concordatū est ec. qd Prior Oim Scoz iux Dubin heat q tuor magnas quercus in for . . . 1 Regis de Glencry ad repacom molendini sui e Pontis sus Steyne ec. ad vtilitatem [transe] unciū ec.

Kyldaı.

Concordatu est p Justič e consiliu qd de celo dent Constabular Casi dni Regis Kyldar quod [est in] Marchia p custodia ei'dem Casi p annu p feodo suo viginti libre. Et vic Com ei'dem p feodo suo per] annu decem libre pe feodu quod capit p turnis suis in pdco Comitatu.

fault of anyone, by chance lost, with the said victuals. And likewise that they should have allowance in said Exchequer, of 8 marks and 2 shillings, which likewise they paid towards the repair of the gaol of Cork, by King's Repair of writ from the Exchequer, under the teste of Nicholas de Cork gaol. Clere then treasurer, &c. It was agreed that master Thomas Cantok the chancellor, &c., by good and lawful men of said parts not suspected, &c., should enquire more fully the truth of the matter. Who by the oath of good, &c., made enquiry thereof, &c., who say that the said mayor and bailiffs paid 121. 9s. 4d. for freight of said ship, and for victuals sent in her towards Gascony on the occasion aforesaid. And that said ship in that voyage was lost, with all things in her, in the Bradepulle in the port of Bristol, without fault of anyone. And also that the said mayor and bailiffs, by the lord the King's precept by the said writ, paid 8 marks and 2 shillings towards the repair of said gaol, by the hands of Robert Pultram and Elias Sage, their fellow citizens, &c. Therefore let them have allowance thereof, by assent and consent of the whole council, &c.

It is agreed, &c., that the Prior of All Saints near Dublin Prior of All have four great oaks in the King's forest of Glencree for Saints, to the repair of his mill and bridge towards Steyn, &c., for the fromGlencree. use of passengers, &c.

It is agreed by the Justiciar and Council that from Fee of the henceforth there be given to the constable of the castle of constable of the lord the King at Kildare, which [is in the] march, for custody of the same castle by the year, for his fee, twenty pounds; and to the sheriff of the same county for his fee [by the] year, ten pounds, besides the fee which he takes for his turns in the said county.

27 EDWARD I. A.D. 1299.

[JUSTICIARY ROLL, 27 Ed. I. m. 31, AND
RED BOOK OF THE EXCHEQUER IN IRELAND, fol. 66].

NS Rex mandauit Justic hic die Mart in septimana
Penthecost bre suu patens in hec verba.

Monet.

Edward par la grace de dieu Rey Dengletere, seignur Dirlaund, e Duc Daquit, a son chier e feal Johan Wogan Justice Dirlaund salus, Por ceo qe ñre Realme, e les autres teres de nre seignurie, sont replenies de diffses malueises moneyes, qe sont appelez Pollarz, Crokarz, e par autres nouns, les queles sont portees e mises en dyt Realme e aillors en nre poer par diffses gentz de la outre, e leyns despendues diffsement a gaunt damage de nous e de tut nre poeple, nous par comun assentement des Prelaz, des Countes, e des Barouns de meisme le Realme, auoms sur ceo ordene e establi remedye, solonc les articles, qi sensuent. Premerement qe nul desormes tieus moneyes ne porte, en le dit îre Realme, ne aillors en îre poer, sour forfeture de vie e des biens, e de qent qui porra forfaire Issint tote veies, qe tutes gentz de queqe tere, ou de queuqe pays il seynt, pussent sauuement porter a nre Cheaunge, totes maneres de monoye de bon argent, de queuqe coyn de la outre, ou de queuqe value qe eles seint, saunz ceo qeles soyent E por ceo qe cest establissement valer ne porra, si bien ne seit meintenu, ordene est qe bone garde e estreite se face, en tous les liuz sur la costere de la mer, es pors, e aillors, ou nule manere de ariuaille est, par boens e leaus Juretz qe ceaus qi tieles, ou autres mauueises monoyes, porteront, arrestent oue mesmes les monoyes, e oue tut ceo qil aueront, e qe mesme cels enuoyent a celui ou a ceaux qi de par no? poer auera, ou aueront, por faire iuyse de eaux. Mes cesti poer pur ceo qe no⁹ ne sumes pas vncore auisez, queu maner de iuyse nous en voudroms faire, auoms no⁹ retenu a nous

27 EDWARD T. A.D. 1299.

THE lord the King sent to the Justiciar here on Tuesday in the week of Pentecost, his writ patent in these words :-

Edward by the grace of God, King of England, lord Money. of Ireland and Duke of Aquitaine, to his beloved and faithful John Wogan, Justiciar of Ireland, greeting. Whereas our realm and the other lands of our seignory are filled with divers bad moneys, which are called Pollards, Crokards, and by other names, which are brought and sent into the said realm and elsewhere within our jurisdiction, by divers persons from abroad, and therein diversely expended, to the great injury of us and all our people, we, by common assent of the prelates, earls, and barons of the said realm, have thereupon ordained and established a remedy according to the articles following: -

In the first place, that no one hereafter bring such False money moneys into the said realm, or elsewhere within our juris not to be imported, on diction, on forfeiture of life and goods, and of whatever forfeiture of he can forfeit; so always that all persons, of whatsoever life and goods. land or country they be, may safely bring to our exchange all manner-of money, of good silver, of whatsoever coin, from abroad, or of whatsoever value they be, without their being forfeited.

And inasmuch as this ordinance cannot avail if it be not Wardens at well maintained, it is ordained that good and strict guard ports to be be kept in all places on the sea coast, at the ports and enforce this elsewhere, where any manner of arrival takes place. by Act. good and lawful men sworn, who shall arrest those that bring such or other bad moneys, with the said moneys, and with all that they shall have, and shall send them to him or them, who on our behalf, shall have power to do judgment on them. But this power, inasmuch as we are not yet advised what manner of judgment we will do therein, we have reserved to ourselves.

E voloms quant al arrest auauntdit, qil se face en ceste manere. Cest a savoir qe la comunaute de chescun port elise deus boens e leaus hoems de mesme le Port por les queus les elisours voudront respoundre, qi oue les baillifs de mesme le Port arrestent e cerchent leaument e saunz desport touz ceaus qi arineront denz leurs gardes, e tut ceo qil porteront, e les cors de ceaus qil troueront qi tieles ou autres mauneises monoves aueront portez enuovent saunz delay a ñre chief prisoun du Counte en quel il serront ariuez. E voloms e comaundoms, qe le gardein de mesme la prisoun les receyue.e sauuement les garde, tant qe no' sachoms la manere du fait, e qe nous sur ceo eyoms maunde ñre volente. E la monoye e autre argent sil yeit deyuent mesmes les gardeins enueier e lyuerer a ñre gaunt chaunge, e des autres biens eaus mesmes charger e respoundre a nre Escheker. Dautrepart por ceo qe nous auoms entendu, qe len contrefait par de la le bon esterlinge de malueis e de faus metal por plus gaunt damage faire a nre Realme auauntdit; nous auoms ensement ordene, qe tous ceaus qi esterlings porteront de la outre, en mesme le Realme, ou aillors en nre poer, devuent bailler, e baillent mesmes ceaus esterlings as ditz gardeins des Pors ou il ariueront. E qe mesmes ceaus gardeins suz leurs seaux, e suz le seaux de ceaus qi les porteront, e par bon temoignage des bones gentz de mesmes les Pors les enuoyent tauntost as peheins assayours, q assignez serront par no pur le assay faire de la monoye. E deiuent mesmes les gardeins enuoyer les cors, oue les deners, sauuement e en curteise E si les assaiors trossent les deners bons e leaus en poys e en argent e en tutes autres choses, solonc la vyel estaundard Dengletere, meintenaunt desarestent les cors e lour delyurent les deners qil aueront ensi portez. E si faus soyent trouez, forfez soyent, e les cors a nre volente. ordene est qu nul desormes de ñre Realme ne de ñre poer, ne

And as to the arrest aforesaid, we will that it be made Arrest and in this wise, namely, that the community of every port search. choose two good and lawful men of the said port, for whom the electors will answer, who with the bailiffs of the same port, shall arrest and search faithfully and without favour, all those who shall arrive within their wards, and all that they shall bring, and the bodies of those whom they shall find, who shall have brought such or other bad moneys, they shall send without delay to our chief prison of the county wherein they shall arrive. And we will and command that the keeper of the said prison receive and safely guard them, until we be informed of the manner of the fact, and have thereupon made known our pleasure. And the money and other silver, if any there be, the same wardens ought to send and deliver to our great Exchange, and to charge themselves with the other goods and to answer at our Exchequer. Moreover, whereas we have heard that the good sterlings are counterfeited beyond these parts, with base and false Foreign metal, to the very great injury of our realm afore sterlings to be delivered to said, we have also ordained that all those who shall bring the Wardens, sterlings from abroad into the said realm or elsewhere within our jurisdiction, ought and do hand over the said sterlings to the said wardens of the ports where they shall and examined arrive. And that the same wardens under their seals and by assayers. the seals of those who shall bring them, and by faithful testimony of good men of the said ports, shall send them at once to the nearest assayers, who shall be assigned by us to make the assay of money. And the said wardens ought to send the bodies, with the money, safely and in a courteous manner. And if the assayers find the money good and lawful in weight and in silver, and in all other things according to the old standard of England, then they shall discharge the bodies from arrest, and shall deliver to them the money which they shall have so brought. And if they be found false, they shall be for False money feited and the bodies be at our will.

Moreover, it is ordained that from henceforth no one of Wools, tin, &c., to be sold our realm or of our jurisdiction sell or part with wool, only for good

vende ne lesse levnes, ne quyrs, ne peaus, ne plum, ne esteim fors ge pur boens e leaus esterlings, ou pur plates dargent assae e merche a nre gaunt eschaunge, ou en eschaunge de bon e de leal, e de suffisaunte marchaundise. E si nul le fait autrement e de ceo seit ateint par les ditz gardeins ou par autres de nos ministres, qe les choses ensint vendues ou lessees, nous sevent forfaites. Oncore est ordene qu nule bone monoye dargent de nre covn ne dautri ne nul argent en plates,1 ne en autre manere, ne isse, ne porte ne seit hors de ñre Realme, ne hors de ñre poer en les parties de la outre saunz especial congie de nous, sor la peyne desusdite. E a ceste chose garder ensemblement oue les autres poins auauntdis; deiuent mesmes les gardeins mettre diligence e peyne en tutes les bones maneres E ceaus mesmes auaunt qil receiuent la garde auauntdite deiuent iurer deuaunt les vescontes ou deuaunt loer chiefs gardeins la ou il ne sont as vescontes responauns qil feront tendront e gardront leaument e saunz nule laschesse taunt com en eaus est, tot ceo qe a ceste garde apartient, solonc la fourme auauntdite. E sil facent reles ou desport a nuly pur doun ou pur fauour, ou en aucune autre manere, e de ceo seient ateins; qil soient en forfaiture de vie e quunt qil ount. Derechef com ordene seit, qil yeit table a Doure e aillors, ou nous ordeneroms passages éteynes por chaunger despenses necessayres as alauns e as venauns; si auoms ia assigne Johan Bellard Johan Galleys e leurs compaignons a tenyr table a Doure de par nous de tute manere des monoyes. qil facent iloeqs chaunge por despenses necessaires as alaunz la outre e as venauus de dela par veue e p temoignage du countre roulur, qi no⁹ ymettroms. E qe totes gentz qe vendront de la outre, portauns monoye qu curt en poer le Rey de france

¹ Statute Roll (Engl.) reads plate. The word appears to have been used for bar or sheet gold and silver. In later Statutes "plate" would seem to indicate wrought or flattened metal—a more strictly accurate use of the word—derived as it is from a common origin with $\pi\lambda ar\dot{\nu}\zeta$, our own word flat, and the Spanish plata. See Cripps' Old English Plate, p. 30.

leather, hides, lead or tin, except for good and lawful sterlings or for silver plates, assayed and marked at our great Exchange, or in exchange for good and lawful and sufficient merchandise. And if any do otherwise and be thereof attainted by the said wardens, or by other our officers, that the things thus sold or parted with be forfeited to us.

Furthermore, it is ordained that no good money of silver Coin, silver of our coin or of any other, nor any silver in plates or in plate, &c., otherwise, issue, or be carried or be out of our realm, or out exported. of our jurisdiction into parts abroad, without special leave of us, under the penalty aforesaid. And for observance of this matter, together with the other points aforesaid, the said wardens should use diligence and pains by every proper And these same, before they means in their power. receive the said wardenship, ought to swear before the Oaths of sheriffs, or before their chief wardens in places where they are not answerable to the sheriffs, that they will do, keep and observe faithfully and without any neglect, so far as in them is, all that to this wardenship appertains, according to the form aforesaid. And if they release or spare any, for gift or favour, or in any other manner, and of this be attainted, that they incur forfeiture of life and of all they possess.

Moreover, as it is ordained that there be at Dover and Exchange elsewhere, where we shall ordain fixed places of passage, a Dover, &c. table to change what is for necessary expenses to those going and coming; We have therefore assigned John Bellard, John Galleys and their companions, to hold a table at Dover on our behalf, of all manner of money. And we will that they give there change for necessary expenses to those going abroad, and to those coming from thence, by view and testimony of a controller, whom we shall send there. And that all persons who shall come from abroad, bringing money which is current in the jurisdiction of the King of

portent mesme la monoye a la dite table e iloeqs receiuent al auenaunt de la monoye que curt en nre Realme. E sil seyent trouez nule part aillors oue tiele moneye que mesme la monoye nous seit forfait e le forfet tourne a la dite table a nre ces. Por quoy nous vo? maundoms ferment enioynauns ke meintenaunt veuue cestes lettres tuz les articles e poins avaunt ditz facez crier e pupler en cytes brgs viles marchaundes pors e en tous autres lieus par my vre baillie p la ou v? vrez q seit a fere e gardeins establir e iurer a ceste nre ordenaunce tenir e garder en la furme susdite sur les peines en meismes ceste fourme contenues. Donees a Stebenheth le quinzime Jour de May le an de n r xxvii...

28 EDWARD I. A.D. 1300.

[JUSTICIARY ROLL, 28 EDWARD I. m. 27d.]

SET couocatis illis qui sunt de cosilio cin R in Hibn tam Epis qua aliis nuc degetib3 in tra illa recordatu est pomes unanimit que cosuetudo in Hibn vsitata de bonis testatos talis est que voi int viru et voi ples restat suscitata bona testatoris equalit erut tiptita int viru voi et plem deductis pius debitis ronabilit deducendis. Et si ples no supest tuc bona testatoris int viru et voi consitr erut equalit biptita.

¹ The circumstances which led to this authoritative pronouncement of the custom of Ireland regarding the goods of a testator will be found fully set out in Sweetman's Calendar of Documents relating to Ireland, 1293-1301, pp. 346-8. The suit in which the question arose was that of William de Calne and Rohesia, his wife, against Reginald de Dene, and the proceedings are calendared from a Coram Rege Roll, Edward I. No. 162, Ro. 41.

A writ commanding the Justiciar of Ireland to distrain the defendant, together with the above statement of the custom, is all that appears in the Justiciary Roll.

France, bring the same money to the said table, and there that they receive instead money which is current in our realm. And if they be found anywhere else with such money, that the said money be forfeited to us, and the forfeit turned to the said table for our use.

Wherefore we command you, firmly enjoyning that forthwith upon sight of these letters, you cause to be proclaimed and published all the articles and points aforesaid in the cities, burghs, market-towns, ports, and in all other places throughout your bailiwick, where you shall see that it ought to be done, and establish wardens and swear them to hold and observe this our ordinance in form aforesaid under the penalties in this same form contained. Given at Stepney the fifteenth day of May in the 27th year of our reign.

28 EDWARD I. A.D. 1300.

UT those being called together who are of the Council of the Lord the King in Ireland, as well the goods of a bishops as others now dwelling in that land, It is testified testator. by all unanimously, that the custom used in Ireland as to the goods of testators is such, that where offspring begotten between a man and wife survive, the goods of the testator shall be divided equally into three parts, between the man, the wife, and the offspring, debts reasonably to be deducted being first deducted. And if issue do not survive, then the goods of the testator shall in like manner be equally divided into two parts between the man and the wife.

Q 2

28 EDWARD I. A.D. 1300.

[JUSTICIARY ROLL, 28 EDWARD I. m. 2f.]
Placita de Parliamento Dubin a die Pasch in xv. dies anno
R. R. E. xxviii.

Subsidiu Scocie.

ÑS Rex mandauit bre suu in hec verba. Edwardus dei gra Rex Angt Dns Hibn * Dux Aquit Comitib3 Baroniba militiba & cefis fideliba suis p terram Hibñ constitutis salim. Sciatis qd cum ad saluacoem Corone nre regie coemq regni nri & Praz nraz vtilitatem iam ordinadimus & eciam pponamus esse in pximo festo Natiuitatis bi Johis Bapte apud Karliolū cum equis * armis * subsidio magnatum * pcerū nroz ad pficiscend exinde ad rebellione Scotoz inimicoz & rebelliŭ ñroz cum dei auxilio repimendam, ad quod negociŭ comodius exequend vro auxilio e subsidio indigem, dit e fid ñros Johem Wogan Justič nîm & magîm Thom de Cantok Cancellariu nem Hibn, vna cum Baronib3 de Scacio Dubin assignauimus ad petend & requirend nõie ñro a vob & quolt vřm, subsidiū quod ad tam ardui negocii felicem cosūmaconem ac ñri e vri comodu e honorem videbitur oportunu et ad omia alia e singula 1 que Bfati Justic Canc & Barones seu aliqui ex ipis quos ad hoc vacare contigit sup prissis & ea contingētib3 viderint facienda. In cujus rei testimoniū has tras ñras fieri fecimus patentes. T. meipo apud Blydam xviii d[ie] Januar anno regni nri vicesimo octavo. Mandavit € consimilia bria omib3 Civitatib3 € Burgis p totam Hibn. pp? que Justic sum fecit genale parliamentum apud Dubin in quindena Pasch, vidett qd Prelati * magn[ates] omes venirent

28 EDWARD I. A.D. 1300.

LEAS of Parliament at Dublin in fifteen days from the day of Easter, in the 28th year of the reign of King Edward.

The lord the King sent his writ in these words: Subsidy of Edward by the grace of God, king of England, lord of Ireland, and duke of Aquitaine, to the earls, barons, knights and other his faithful people established through the land of Ireland, greeting. Know that whereas for the safety of our royal crown, and the common advantage of our kingdom and of our lands, we have now ordained, and also we purpose to be, on the next feast of the Nativity of S. John the Baptist, at Carlisle, with horses and arms and support of our magnates and commanders, to set out therefrom to repress with the help of God the rebellion of the Scotch enemies and our rebels; for the more successful execution of which business we need your assistance and aid. We have assigned our beloved and faithful John Wogan our justiciar, and master Thomas de Cantok our chancellor of Ireland, with the barons of the Exchequer at Dublin, to ask and request in our name from you and each of you, the subsidy which shall appear suitable to the successful issue of so serious an undertaking, and to the advantage and honor of us and you, and for all and singular other things which the aforesaid Justiciar, Chancellor and Barons or any of them (who happen to have leisure for this) may see necessary to be done in the premises, and what relates thereto. In witness whereof we have caused these our letters to be made patent. Witness myself at Blyth, the 18th day of January, in the 28th year of our reign.

He sent also like writs to all cities and burghs throughout the whole of Ireland.

On account of which, the Justiciar caused to be sum-Parliament moned a general Parliament at Dublin in the quinzaine of summoned to Easter, viz.: that the prelates and the magnates should all Dublin.

ibi in ppiis psonis ec et qd Coitates Comitatuu per duos tres vel quatuor ad hoc p ifos electos & specialem potestatem hentes ac si omes fuissent Bsentes & sitr Coitates Ciuitatum * Burgos p duos vel tres ec. Set Justic ante pliamtu illud decreuit alloqui Maiores & phiores holes Civitatu & Burgos Et pimo venit and Drogheda scitt in occone Bdci subsidii. vigit dnice in Ramis Palm, vbi porrectis tris dni R Maiori € Coitati Burgi illius p iom đnm R directis * hito cū eis sup hiis diligenti tractatu Bdči Maior Bal[ti]1 & Cõitas ex vta, pte aque ad pmend beniuolencia dni R e gram de mcandisis que emerut p mone[tas]1 inhibitas ec, optulerut dno R CC e lx mr unde sup villam ex pte vriel CC mr & sup villam ex pte mid lx mr. Et exinde pfatus Justic circuiuit Ciuitates € Burgos &c. Et Maior Balti & Coitas Ciuitatis Dubin concesserunt đno k ad pdcm subsidiu CC mr. Et Coitas Burgi Comitis Norff de Ros concesserunt dno R ad Bacm subsidiū Et Ciuitas & Walford C mr. Et villata de Kilmydan in eodem Com C sot. Et villata de Athmethan in eodem Com Et villata de Stratbaly in eodem Com quinq Centenas pisciù precii C s. Et villata de Dungaruan in eodem Com quindeci Centenas pisciū preč xv ti. E Coitas Ciuitatis R Lymer xl mr. Et villata de Imelagh in eodem Com xx mr. Et Ciuit[as]1 R. de Cork CClx mr. Et villata Gilbti fit Thome de Clare del Yoghul in eode Com xl ti e qinq Centenas pisciū precii C sot. Et villata Archießi Casselt de Casselt in Com Typar xx lib. Et villata Otonis de Grandisono de Clomele

¹ Obliterated.

come there in their own persons, &c, and that the communities of the counties by two, three or four, elected for this by themselves, and having special authority as if all were present, and likewise the communities of the cities and burghs by two or three, &c.

But the Justiciar before that parliament decided to Prior to it, speak with the mayors and good men of the cities and the Justiciar hadinterviews burghs, on account of the aforesaid subsidy. And first he with Mayors, came to Drogheda, viz.: in the vigil of Palm Sunday, &c. where having exhibited the letters of the lord the King Drogheda. directed by the King himself to the mayor and community of that burgh, and having had diligent treaty with them upon these matters, the aforesaid mayor, bailiffs, and community on each side of the river, for the purpose of earning the goodwill of the lord the King, and favour concerning merchandise which they had bought with forbidden money, &c., presented to the lord the King 260 marks, of which upon the town at the Uriel side 200 marks, and upon the town at the Meath side 60 marks.

And from thence the said Justiciar went round the Grants cities and burghs, &c. And the mayor, bailiffs, and com-towards the munity of the city of Dublin granted to the lord the King towards the aforesaid subsidy 200 marks. And the community of the earl of Norfolk's burgh of Ros granted to the lord the King towards the aforesaid subsidy 40l. And the King's city of Waterford 100 marks. And the town of Kilmeadan in same county 100s. And the town of Affane in same county 100s. And the town of Stradbally in the same county 5 hundred of fish of the value of 100s. And the town of Dungarvan in same county 15 hundred And the community of fish of the value of 15l. the King's city of Limerick 40 the town of Emly in the same county 20 And the King's city of Cork 260 marks. And Gilbert, son of Thomas de Clare's town of the Youghal, in the same county 40l, and 5 hundred of fish of the value of 100s. And the archbishop of Cashel's town of Cashel in county Tipperary 201. And Oto de Grandison's town of Clonmel

xii mr. Et villata Prioris de Athisshil de Athissil v mr. Et villata R del Carrik xl s. Et villata de Artfynan in eodem Com pret tenetes Hospital xl s. Et villata del Nanagh xl s. Ei villata de Moydrifny i mr. Et villata de Thurlis xl s. Et villata de ffitherid x mr. Et villata de Moydissel in eode Com xl s. Et Burgus de Kilkenn xl ti.

Et postes ad Bdcm parliamentum ven Magnates « Coitates in forma demandata & divsis1 de eis se excusantes a Bstando subsidio pecierunt qd Justič iret p prias e ipi liben? forent in auxiliū qd Coitates in ppriis psonis suis concederent se prestare subsidiū e ipi magnates prel prelatos tūc cum eis contribuerent ec. Et Justic eis consenciens pimo iuit apud Trym in libtate Galfri de Geyneuilt ubi Coitas veniens, & hito cum eis diligenti tactatu &c concesserunt ad ßdčm subsidių CC mr. Et in crastino Coitas Com Midie veniens ibidem prel Croceas & concesserunt Et Coitas Croceas Midie pre? tenentes sitr &c CC mr. Abbatū de Mellifonte & Diueleek & Archiefi Ardmac xx ti. Et tenētes pači Archiepi in Midia de ten de Arkagh x mr. Et tenētes sui de Kilmoon x mr. Et tenētes pdci Abbis de Mellefonte ex pte Midie xx fi. Et tenētes pdci Abbis sce Marie de Diueleek xl s. Et Coitas Com Loueth pre? tenetes Bdčož Archiepi & Abbis de Mellifonte concessert €c, iiii™ ti. Et tenētes pdci Archiepi in pdco Com xx fi. Et tenentes Bdci Abbis in eodem Com xx ti. Et Coitas Com Dubin pre? libtates * tenentes religios * Croc C ti. Et tenentes Crocee Archiepat[us]² Dubin cum forinsecis tenetib; de eodem feod

¹ So in MS. for diversi.

² Torn.

12 marks. And the prior of Athassel's town of Athassel 5 marks. And the King's town of Carrick 40s. And the town of Ardfinnan in same county, except the tenants of Hospital, 40s. And the town of the Nenagh 40s. the town of Modreeny 1 mark. And the town of Thurles 40s. And the town of Fethard 10 marks. And the town of Modeshil in same county 40s. And the burgh of Kilkenny 40l.

And afterwards came to the aforesaid Parliament the Parliament magnates and communities in the manner commanded. divers of them excusing themselves from giving a subsidy asked that the Justiciar should go through the countries, Justiciar and they would willingly assist, that the communities in requested to their own persons should grant that they would give the subsidy, in support of and the said magnates (except the prelates) would then the subsidy. contribute with them, &c. And the Justiciar consenting to them, went first to Trim in the liberty of Geoffrey de First visits
Trim; grants Geynevill, where the community coming and diligent treaty from Meath. having been had with them, &c., they granted towards the aforesaid subsidy 200 marks. And on the morrow, the community of the county of Meath (except the Crosses) coming there, &c., granted likewise, &c., 200 marks. And the community of the Crosses of Meath (except the tenants of the abbots of Mellifont and Duleek and of the archbishop of Armagh) 201. And the tenants of the aforesaid archbishop in Meath, of the tenement of Arkagh, 10 marks. his tenants of Kilmoon 10 marks. And the tenants of the aforesaid abbot of Mellifont on the side of Meath 201. And the tenants of the aforesaid abbot of S. Mary cf Duleek 40s. And the community of the county Louth (except the tenants of the aforesaid archbishop and abbot of Mellifont) granted, &c., 80l. And the tenants of the aforesaid archbishop in the aforesaid county 201. the tenants of the aforesaid abbot in same county 201.

And the community of the county Dublin (except liber- Grants from ties and tenants of religious houses and Crosses) 1001. Dublin. And the tenants of the Cross of the archbishopric of Dublin.

pret villam sči Sepulchri Dubin C mř. Et tenentes Prioris sci Johis extra Novam portam Dubin xl š. Et tenētes Prioris sce Trinitatis Dubin C s. Et tenetes Abbis sce Marie Dubin Et tenētes Abbatisse del Hogges Dubin ii mr. tenentes Crocee fferneñ xii mr. Et tenetes Crocee Leghlineñ vi mr. Et tenētes Crocee Ossor xx mr. Et Cõitas libertatis Weys iiii* mr. Et tenentes de Offelmeth in libtate Kathert prel Abbias . . 1 ti. Et tenentes Johis de Hastynges de Oboy in eadem libtate iiii mr. Et tenentes de Obargy in eadem libtate cum villata de Kathert x mr. Et tenentes de ffotherid in eadem libtate xx mr. Et tenetes de Odroon in Et tenentes libtatis Kilkenn C fi. Et eadem libtate xx mr. Cõitas Com Kildar C mr. Et Coitas Com Walford prel Bdcas villatas C ti. Et Coitas Com Cork prel villas matorias CC fi. Et Coitas Com Lymer pret villas mator CC mr. Coitas Com Typar po villas mercator CC ti. Et villata de Athdare in Com Lymer v mr. Et villata de Rathgel in eodem Com xl s. Et villata de Inskefty xl s. Et villata de Et villata de Cromoth in Ardagh in eodem Com xl s. Et villata de Kilme . . 1. eodem Com v mr. de Dermochi in eodē Com i mr. Et villata de Natherla . . . 1 Et villata de Any xl s. Et villata de Grene xx s.

with outside tenants of that fief (except the vill of S. Sepulchre, Dublin) 100 marks. And the tenants of the prior of S. John outside the New Gate Dublin, 40s. And the tenants of the prior of the Holy Trinity, Dublin, 100s. And the tenants of the abbot of S. Mary, Dublin, 40s. And the tenants of the abbess of the Hogges, Dublin, 2 marks.

And the tenants of the Cross of Ferns 12 marks. And Crosses of And the Ferns, Leighlin, and the tenants of the Cross of Leighlin 6 marks. tenants of the Cross of Ossory 20 marks. And the com-Ossory. And the Wexford. munity of the Liberty of Wexford 80 marks. tenants of Ui Felme in the liberty of Carlow (except the abbeys) [101].1 And the tenants of John de Hastynges, of Oboy in same liberty, 4 marks. And the tenants of Ui Bairche in same liberty, with the town of Carlow 10 marks. And the tenants of Forth in same liberty 20 marks. the tenants of Idrone in same liberty 20 marks. And the tenants of the liberty of Kilkenny 1001. And the com-Kilkenny. munity of the county Kildare 100 marks. And the com-Kildare. munity of the county Waterford (except the aforesaid Waterford. towns) 100l. And the community of the County Cork Cork. (except the market towns) 200l. And the community of the county Limerick (except the market towns) 200 marks. Co. Limerick. And the community of the county Tipperary (except the Tipperary, market towns) 2001. And the town of Adare, in county acc. Limerick, 5 marks. And the town of Rathkeale in same county 40s. And the town of Askeston 40s. And the town of Ardagh in the same county 40s. And the town of Croom in the same county 5 marks. And the town of Kilmallock [in same county, 201]. And the town of Dermochi (Darragh) in same county 1 mark. And the town of Aherlow [2 marks] And the town of Aney 40s. And the town of

¹ Supplied from Pipe Roll, 81 Ed. I., No. 32, which contains accounts of the collection of this subsidy.

- de . . . ¹. Et sciend qd tenētes de Croceis Momonie concedunt qd ipi dabunt de suo quantum acced . . . ¹ sua de libalitate sua * nō occone alicui? ten incroceati; * sub tali forma qd non ven . . ¹ cosuetudinem alias *c., * eis conceditur.
- m. 3 f.

 Placita de Parliamento apud Dubin coram Johe Wogan
 Capit Justic &c. & aliis de consilio &c., a die Pasch in xv dies
 anno R. R. E. xxviii°.
- m. 3d. Concordatu est eciam qd nulla moneta portet^r ex^a h^anc fram sine spali War ec et qd nullus applicet in h^anc fram alibi q^am in rectis portub; ec sub g^aui forisfcura ec.

Concordatu est qd moneta pollardos e alias monetas consimitm arestatas in manus mercatos vbicuq in hac terra, relibentur manus ducend ad cambiu Rege in Angt ut in hanc terra. Et qd inde fiant bria quibuscuq petentibs.

Grean 20s. And the town of [Karkinlish (Cahirconlish) 40s]. And be it known that the tenants of the Crosses of Munster grant that they will give of their own as much of their liberality and not by occasion of any holding in cross lands, and under such form that [it shall not come to be a] custom at some other time, &c., and it is granted to them.

Pleas of Parliament at Dublin before John Wogan, Chief Justiciar, &c., and others of the Council, &c., in fifteen days from Easter day in the 28th year of the reign of King Edward.

It is agreed also that no money be carried out of this No money to land without special warrant, &c., and that no one land in be carried out of the land, this land elsewhere than in regular ports, &c., under heavy &c. forfeiture, &c.

It is agreed that money of pollards and other like moneys Pollard seized in the hands of merchants wheresoever in this money, &c., seized to be land, be re-delivered to the merchants, to bring to the brought to the King's Exchange in England or in this land; and that for re-coining writs be made therefor to any demanding.

Supplied from Pipe Roll, 31 Ed. I., No. 32, which accounts for this subsidy.

28 EDWARD I. A.D. 1300.

[JUSTICIARY ROLL, 28 EDWARD I. m. 13f.]

Comunia plita apud le Naas coram Cap Justic Hibn de mense Pasch anno R R E. xxviii°. Wogan.

NS Rex mandavit hic bre suum in hec verba. Edwardus dei gra Rex Angi Das Hiba & Dux Aquit ditco & fid suo Johi Wogan, Justič suo Hibn saltm. Cum nup in parliamento ñro apud Stybenhethe in celas ordinacoes ibidem factas dufimus ordinand qd nlla bona moneta argenti de nro vi alfius Cuneo vel argentum aliquod in massa vi alio quouis modo regnū nrm exiret vel extra idem regnū vel potestatem ñram ad ptes tensmar deferretur sine licencia ñra spali sub forisfcura vite & bonoz et olm alioz que forisfieri nob possent et iam p cõi vtilitate regni ñri monetam Pollardoz Crocardoz & quascumo alias similes monetas de consilio pcum ñroz ofo repbasimus ac eciam ordinasimus qd nulla moneta alia qam sterlingos de cuneo ñro currat de celo in dco Regno nº vsual 🐔 heatur, p quod volu[m9]1 qd ordinaco predea firmius & inuiolabilius obseruetur, vob mandam' firmil iniungentes qd fillam monetam argenteam vi aliqum aliam monetam albam de ñro vi alfius Cuneo vi vasa aliqua argentea s[eu] argentu aliquod in massa vi alio quouis modo a fra nra Hibn ad ptes tensmar deferri pmittatis sine licencia nra spali sub pena supius annotata. Et istud mandatū ñrm sicut comodū regni ñri diligitis p totam fram îram păcam de qindecim diebus in qindecim dies publice pelamari & observari firmit faciatis p custodes ad hoc alias deputatos vi de novo si nece fuit deputandos. ap[ud] Scm Albanu xiº die Aprit anno r n vicesimo octauo.

Et hoc idem mandatum est omibz vic * Sen libtatum in Hibn *c.

28 EDWARD I. A.D. 1300.

NOMMON Pleas at the Naas before the Chief Justiciar of Ireland, of the month of Easter in the 28th year of the reign of King Edward.

The lord the King sent his writ here in these words: -Edward, by the grace of God, king of England, lord of Ireland, and duke of Aquitaine, to his beloved and faithful John Wogan, his Justiciar of Ireland, greeting. Whereas lately in our parliament at Stepney, amongst other ordinances there made, we thought fit to ordain that no good money of silver, of our or other's coinage, or any silver in bulk or in any other way, should leave our kingdom or be carried out of our said kingdom or jurisdiction to parts over the sea, without our special licence, under forfeiture of life and goods and all other things which can be forfeited to us. And now for the common benefit of our kingdom, with the advice of our nobles, we have altogether condemned the money of Pollards, Crocards and other like moneys whatevever, and also have ordained that no money other than of sterlings of our coinage be current from henceforth in the said kingdom; nor even be held proper for use. Inasmuch as we will that the said ordinance be more strictly and inviolably kept, we command, strictly enjoining you, that you allow no silver money or any other white money of our or other's coinage, No silver or or any silver vessels or any silver in bulk or in any other other white money, silver way, to be carried from our land of Ireland to parts over in plate or the sea, without our special licence under the penalty above carried out of specified. And, that this our mandate, as you cherish the Ireland. profit of our kingdom, you cause to be publicly proclaimed throughout the whole of our said land fortnightly, and to be strictly kept by wardens, for this purpose on another occasion appointed, or if need be to be appointed afresh. Witness myself at St. Albans the 11th day of April, in the 28th year of our reign.

And this same is commanded to all sheriffs and seneschals of liberties in Ireland.

35 EDWARD I. A.D. 1307.

[JUSTICIARY ROLL, 35 EDWARD I. m. 16f.]

Angi. Statutu de Religiosis.

ÑS Rex mandauit bre suu hic ec in hec verba. Edwardus dei gra Rex Angt dns Hibn & dux Aquit ditco & fideli suo Johi Wogan Justič suo Hibñ vel eius locum tenenti saltm cum ad coem populi regni nri vtilitatem e tocius dnii nri stat? melioracionem in parliamento ñro apud Karliolū quedam ediderimus statuta in Angt Hibn Wallia & Scocia futuris tempib3 obseruanda queq vobis mittim⁹ sub sigillo ñro signata in Pra ñra Hibñ publicanda & sub penis in eisdem statutis contentis observari facienda vobis mandamus qd statuta illa in singlis Comitatib; Pre ñre predee legi publicari * obseruari * tanscripta eoadem sub sigillo quo vtimur in Hibn singlis Abbatiba Prioriba Custodiba domos religiosus Cluniaceñ Cistercien & Premonstraten & scoz Augustini & Benedci ordinū in plenis capitulis domoș suaș bis in anno legenda * sub penis supradcis observanda tansmitti faciatis. T. meipo apud Karl iiii die April anno r̃ ñ ticesimo quinto. Et similr prefatus dñs Rex misit hic &c. Bdcm statutum sub sigillo suo Angi in hec verba.2

¹ In the old printed copies this statute is entitled, "Statutum de Asportatis Religiosorum."

² The Latin text of the statute follows in the roll.

35 EDWARD I. A.D. 1307.

STATUTE AS TO RELIGIOUS PERSONS.

THE lord the King sent his writ here, &c., in these words :- Edward, by the grace of God, king of England, lord of Ireland, and duke of Aquitaine, to his beloved and faithful John Wogan, his Justiciar of Ireland or his deputy, greeting. Whereas for the common utility of the people of our realm and the improvement of the state of our entire dominion, in our Parliament at Carlisle, we published certain statutes to be observed in future in England, Ireland, Wales, and Scotland, and which we transmit to you, sealed under our seal, to be published in our land of Ireland, and under the penalties of the said statutes contained to cause to be observed; we command you that the said statutes in every county of our aforesaid land, you cause to be read, published, and observed, and transcripts of the same under the seal which we use in Ireland, to all abbots, priors, wardens of religious houses of the Cluniac, Cistercian and Premonstratensian Orders, and of those of Saints Augustine and Benedict, in full chapters of their Houses twice in the year to be read, and under the aforesaid penalties to be observed, you cause to be transmitted. Witness myself at Carlisle the 4th day of April in the thirty-fifth year of our reign.

And likewise the aforesaid lord the King sent here, &c., the aforesaid statute under his seal of England in these words:—

[STATUTE AS TO RELIGIOUS PERSONS]. (1)

Lately it came under the notice of the lord the King by the grievous complaint of the magnates, chief men, and other nobles of his realm, that, whereas Monasteries, Priories, and Religious Houses were founded to the praise and honour of God, and the advancement of Holy Church,

⁽¹⁾ The text taken from Statute Roll (Engl.) m. 33, is printed in Statutes of the Realm, I. p. 150.

by the King and his progenitors and by the said magnates and nobles and their ancestors, and very many lands and tenements were given by them to the said Monasteries, Priories, and Houses and to the Religious serving God therein, so that as well clergy as laymen should be admitted according to their sufficient ability, and that the sick and weak might find sustenance, hospitality, gifts of alms, and other pious deeds might be exercised, and for the souls of the aforesaid founders and their heirs prayers might be made in them. The Abbots, Priors, and Wardens of the said houses and certain aliens, their superiors, as the Abbots and Priors of the Cluniac, Cistercian, Premonstratensian orders and of those of Saints Augustine and Benedict, and many others of other religion and order have lately upon several monasteries and houses subject to them in England, Ireland, Scotland, and Wales, fixed divers unaccustomed heavy and insupportable tallages, payments, and impositions, and of their own pleasure have ordained the same, without consulting our lord the King and his great men, contrary to the laws and customs of the said realing such that the number of Religious persons and other servitors in such Houses and Religious places oppressed by such tallages, payments, and impositions, is diminished, the worship of God and alms to the poor, the sick, and weak are withdrawn, the health of the living and the souls of the dead are miserably defrauded; hospitality, almsgiving, and other works of charity cease, and so, what had formerly been charitably dedicated to pious uses and to the advancement of the service of God, is now changed into an evil tax. Wherefore, besides those things which are mentioned before, no small scandal grows among the people, and innumerable losses in the disheriting of the said founders and their heirs are known without doubt to have happened, and moreover, it may be presumed are likely to happen again, unless for such and so grievous injuries there be provided a speedy and safe remedy; therefore, the said lord the King, considering that it would be very injurious to him and to his people if he should any longer suffer such great losses and insolencies to go on under a cloak; and therefore, being willing to maintain and defend the monasteries, priories, and other religious houses and places founded in the realm and lands subject to his sway, according to the will and pious intentions of the said founders, and from henceforth to provide fitting remedy against such oppressions, as he is bound; by the advice of the Earls, Barons, magnates, great men, and other nobles, and the commons of his kingdom in his parliament at Westminster on Sunday next after the Feast of St. Matthias the Apostle, in the thirty-third year of his reign, ordained and enacted, that no Abbot, Prior, Master, Warden, or any other Religious person of whatsoever condition, state, or religion he be, being under his power and jurisdiction, any tax imposed by their superiors, the Abbots, Priors, Masters, Wardens of Religious Houses or places, or in any way assessed among themselves, out of his kingdom and dominion under the name of rent, taliage, tribute, or any kind of imposition, or otherwise by way of exchange, sale, mutual or other contract or by whatever other name it may be termed, by themselves or by merchants or others, secretly or openly, by any art or device, shall carry or transmit or cause to be carried or transmitted in any way; nor shall any of them depart to places outside by reason of visitation or under any other invented pretence, that so they may bring the goods of their Monasteries and Houses outside the aforesaid kingdom and dominion; and if any presume to contravene this present Statute, let him be heavily punished, the nature of his offence being considered and the contempt shown the King's prohibition weighed.

Religious persons shall send no tax, &c., beyond sea. Moreover, the said lord the King forbids all and singular Abbots, Priors, Impositions Masters, Wardens of Religious Houses and places, being aliens, to shall not be whose power, subjection, and obedience the Houses of the said orders assessed by in his kingdom and dominion are subject, from henceforth imposing or in any way assessing tallages, taxes, impositions, tributes, or any other burdens on any Monasteries, Priories, or other Religious Houses, so subject to them as aforesaid; and this on forfeiture of everything they may have in their own power and that they can forfeit in future.

And moreover, the lord the King ordained and established that Abbots The common

of the Cistercian and Premonstratensian orders and other Religious orders, seals of Abbeys. whose seal hitherto has been wont to remain in custody of the Abbot and not of the Convent, shall have a common Seal from henceforth, and they shall deposit it in the custody of the Prior of the Monastery or House, and four of the most worthy and discreet of the Convent of that place, to be kept safe under the private seal of the Abbot of the same place; so that the Abbot or Superior who is over the house can by no means of himself make binding any contract or obligation, can by no means of nimself make binding any contract of congation, as heretofore he has been wont to do. And should it happen that any writings obligatory of donations, purchases, sales, alienations, or other contracts whatsoever, should be found sealed with any other seal than with such common seal kept as aforesaid, they shall be held altogether void and as of no force. But it is not the King's intention to exclude Abbots aliens that the contract of the co Abbots, Priors, and other Religious persons, being aliens, by the Sta. may visit their tutes and ordinances above expressed, from exercising the office of houses in Regland. by themselves or others, the monasteries and other places subject to them in his aforesaid kingdom and dominion, according to the duty of their office, in those things only which appertain to the regular observance and discipline of their order; Provided, that they who exercise this office of visitation bring or procure to be carried outside exercise this office of visitation bring or procure to be carried outside the said kingdom and dominion, none of the goods or things of such Monasteries, Priories, and Houses, except only their reasonable and moderate expenses

And although the pronouncing and publication of the before written Commence-ordinances and statutes, for certain reasons, and that they might ment of the proceed with the greater deliberation and completeness, remained operation of suspended from the last parliament to the present parliament at Carlisle, in the Octaves of Saint Hilary in the thirty-fifth year of the reign of the said lord King Edward, the lord the King, after full deliberation and debate had with the Earls, Barons, great men, and other nobles and the commonalty of his realm, touching the premises, with their unani-mous agreement and consent, ordained and enacted that the aforesaid ordinances and statutes under the form, manner, and conditions above contained, from the 1st day of May next ensuing, shall be steadfastly observed to be of force in future times, and that offenders against them shall henceforth be subject to the penalties above prescribed.

1 EDWARD II. A.D. 1308.

[PLEA ROLL, 1 AND 2 EDWARD II. m. 76 f.]

A DHUC de coib3 plitis and Dublin coram John Wogan Justic Hibn a die sci Johns Bapte in xv dies anno regni B. Edwardi fil B. E. scdo.

Angt.

Dns Rex misit hic quoddam bre suu in hec verba: Edwardus dei gra Rex Angi Dns hibn & Dux Aquit dilco & fid suo Johi Wogan Justič suo Hibn salim; Quia pacem nram p totam Pram ñram Hibñ firmi? * inuiolabiliter obseruandam opam instantë cepim, adimplere e eo affectuosius quod ad hoc vinclo astringimi iuramenti e ad maliciam maleftos e pacis ñre pturbatos repimend expediens fore * vtile reputam9 qd statutu nup apud Wynton editum in omib; & singlis suis articlis ac eciam quidam articli quos nup de consilio nro p conseruaçõe pacis ñre in Angl & de moneta ñra no mutanda nec cambienda set p tanto valore p quanto currere consucuit currenda ordinamus observandos e quos vobis mittim⁹ psentib; in clusos p totam fram ñram Hibñ firmif obseruent, vobis mandam, firmif iniungentes qd statutų illud & artičlos fdcos in Ciuitabus Burgis villis matoriis e locis aliis tam infra Libtates qem exte ubi videritis expedire legi & publice pelamari observari fac firmi? * teneri, et in quolibet Com assignetis p bria nra sub sigillo ñro quo vtimi in Hibñ duos de phiorib3 legaliorib3 & discrecioriba Militiba eiusam Comitatus put opus füit vna cū vic Comitat' illius ad Bdca statutum e articlos observanda e

I EDWARD II. A.D. 1308.

CITILL of common pleas at Dublin before John Wogan, Justiciar of Ireland, in fifteen days from the day of St. John the Baptist, in the second year of the reign of King Edward, son of King Edward.

The lord the king sent here a certain writ of his in England. these words: Edward, by the grace of God, king of England, lord of Ireland and duke of Aquitaine, to his beloved and faithful John Wogan, his Justiciar of Ireland, greeting. Inasmuch as we have taken instant pains to accomplish the strict and inviolate keeping of our peace throughout our whole land of Ireland, and with the more care because we are hereto bound by the bond of an oath, and [inasmuch as] for the repression of the wickedness of evildoers and disturbers of our peace, we think it will be expedient and useful that the statute lately published at Winchester, in all and singular its articles, and also Statute of certain articles which with our council we lately ordained Winchester, to be observed for the preservation of our peace in England, and certain and for not altering or exchanging our money, but for it articles as to to be current, for such value as it was accustomed to be observed in current, and which we send to you enclosed in these presents, should be strictly kept throughout our whole land of Ireland, we command and strictly enjoin you that you cause that statute and the articles aforesaid to be read and publicly proclaimed in cities, burghs, market towns and other places, as well within liberties as without, where you shall deem it expedient, to be strictly kept and observed; and [that] in each county you appoint by our write under our seal which we use in Ireland, two of the most approved, lawful and discreet knights of the said county, as need shall be, together Two knights with the sheriff of that county, to keep and guard the said and sheriff statute and articles, and to do and fully perform all that county to see

custodienda ϵ omia que ad ea ptinent facienda ϵ pleni exequenda. Ita qd fideles ñri ϵ totus populus pciù illa sub ñro regimine ϵ domino quiecius ϵ tranquillius viuere valeant vt optam. T'. meipo apud Langeleye vi die Juñ anno \tilde{r} \tilde{n} plmo.

Itm misit quoddam aliud bre hic in hec verba. Edwardus dei gra Rex Angi Das Hiba & Dux Aquit ditco & fid suo Johi Wogan Justič suo Hibn salim. Intellexim' a nonullis qd qampires inimici ñri e alii malefactores e pacis ñre pturbatores homicidia incendia defidacões e alia dampna gavissima nocte dieq in Hibñ multiplicif ppetrantes de Com in Com vagant * discurrunt ob defectū * negligenciā plurimos qui a partib; quib; morant vsq ad ptes vicinas in quibz hui mõi mala ppet ntur ad defensione e saluaccem peiù eazdem in subsidiù vicinoz suoz ibidm habitanciù se difftere recusarunt hactenus & recusant. Et quia ad pacem nram in terra pdca inuiolabilio observand qua cordit affectamus necno ad maliciam e hostiles agressus hui⁹mõi inimicos e malefactos virili⁹ rep¹mendos expediens esse intendim⁹ pcul d[ubio]² ₹ necesse q̃d omes ₹ singli de quibuscumq. Com ad pacem * fidem ñram existentes vnanimes sint & concordes [inter] se ipos mutuo iuuantes ad resistenciam contª inimicos € malefcores illos in quocūq. Com vel pria ipos hui'mõi incs[us] face contigit potent e virilit faciendā; vob mandam, qd de cosilio pro pciù illaz ordinetis e in singlis villis quib3 e[xpedi]ens videritis publice pelamari faciatis qd omes ≈ singli de Com illo que huiºmodi inimici ≈ malefcores agressi ffli[nt]² ad maliciam illoş p coservacoe pacis ñre € defensione

So in MS. for dominio.

appertains to them; so that our faithful subjects and the whole said statute people of those parts may be able to live more quietly and carried out. peaceably under our rule and government, as we wish. Witness myself at Langley, the 6th day of June, in the first year of our reign.

Likewise he sent a certain other writ here in these words: Edward, by the grace of God, king of England, lord of Ireland and duke of Aquitane, to his beloved and faithful John Wogan, his Justiciar of Ireland, We have been informed by some that very many of our enemies and other evildoers and disturbers of our peace, frequently committing homicides, robberies and other very serious injuries, by night and day in Ireland, wander from county to county, and run to and fro, by reason of the default and negligence of most men, who have hitherto refused and do refuse to turn aside from the parts in which they live to the neighbouring parts in which such evils are committed, for the defence and safety of the said parts, to aid their neighbours who dwell there. And inasmuch as for the inviolable keeping of our peace in the said land, which we heartily desire, and also for the stern repression of the wickedness and warlike attacks of such enemies and we deem it, without doubt, to be expedient and necessary that all and singular of whatsoever county, being of and fealty, be our peace of one mind unity among themselves, mutually aiding powerful and strenuous resistance against those enemies and evildoers, in whatsoever county or territory it may happen that they make such incursions; we command you that with our council of those parts, you ordain and in every town where you shall deem it expedient, you cause to be publicly proclaimed, that all and singular of that county which such enemies and evildoers have attacked, in order to withstand their wickedness, for the preservation of our peace and the defence of the said parts

pciu pdcar repellendam qociens opus ffit e eis inde p vt[esiā]¹ e clamorē vt alio modo cōstilit cū toto posse suo se diffle no postponant ad dcos inimicos e malefcores ta[m inf¹]¹ Libtates q²m ext² insequendos e eo potencius quo fieri polit repellendos. Et si quos rebelles negligentes i[nueneritis]¹ in hac pte vt remissos eos tamq² pacis ñre violatores e mandator ñror cōtemptores talil puniri faciatis [ut]¹ punicio illa timorem aliis βbeat similia comittendi. T'meipo apd Langele v¹ die Juñ anno r ñ p¹[mo]¹.

Statutū Wyntoñ.

Et sup hoc misit dns Rex Justic hic &c Tensciptu statuti Wynton custodiend e observand in hac tra in h cu voluntate dni R de tenore pimi bris hic-Das Rex de consilio suo apd Westm xviio die Marcii [anno]1 regni sui pimo ordinauit qd statutu apd Wynton editu in oib; * singlis suis artičlis p totam fram Hibn firmif obseruetr [et q4] statutū illud in singlis Ciuitatiba Pre Bdce necno in Ciuitatiba Burgis hundr villis meatoriis & locis aliis ibidem [tam] infra Libtates qam exta vbi magis videbit expedire publice recitet custodiat s in singlis suis articlis ut βdcm est [firmit] obseruet. qui in Pra pdča juxa forma statuti attachiabiles inueniri cotigit attachient * saluo custodiant don de de slud inde Et si forte diffugint tunc p posse singlez Comitatuu eiusdem Pre si necesse füit assumptū cū omni diligencia pseqant de Hundr in Hundrm de Com in Com tam infa Libtates qam exta juxa forma statuti Bdči quousq arrestent e arrestati saluo custodiant in forma pdca. Vult & dcs dns R qd ex pte

as often as need shall be, and they be assured thereof by All of a hue and cry, or in any other manner, delay not to turn county attacked to aside with all their power to pursue the said enemies and pursue the evildoers, as well within liberties as without, and to withstand them as strongly as can be done. And if you shall find any disobedient or negligent in this behalf, or remiss, you cause them to be punished as breakers of our peace and despisers of our commands, in such manner that that punishment may inspire others with fear of committing similar acts. Witness myself at Langley, the 5th day of June, in the first year of our reign.

And hereupon the lord the king sent to the Justiciar Statute of here, &c., a transcript of the statute of Winchester, to be Winchester to be kept and observed in this land . . together with the observed in will of the lord the king concerning the tenor of the first writ here.

The lord the king, by his council at Westminster, on the 17th day of March, in the first year of his reign, ordained that the statute published at Winchester strictly kept in all and singular its articles throughout the whole land of Ireland, and that that statute in every city of the said land, and also in the cities, burghs, hundreds, market towns and other places there, as well within liberties as without, and where it shall be deemed most expedient, be publicly read, kept, and in every of its articles as is aforesaid, strictly observed. And if it happen that any persons are found in the said land to be attachable according to the form of the statute, that they be attached and kept safely, until the said lord the king have given other order thereupon. And if perchance they flee, then in proportion to the power of every county of the said land, if it be thought necessary, that they with all diligence pursue them from hundred to hundred, from county to county, as well within liberties as without, according to the form of the aforesaid statute, until they be arrested, and being arrested, they be kept safely in form aforesaid. The said lord the king also wills that

sua Beipiat, firmil e injuge[tr]1 õib; Ballis e Constabular in villis & hundr p conseruaçõe pacis sue in pdcis Comitatib; deputatis tam infra Libtates qam exta qd ipi eandem diligencia p pacis iñius R. coseruaçõe apponant e tair se heant in hac pte ne penam in dco statuto cotentam incurrant e nichomin' inpisonenti e gauil ad voluntate dni R redimanti ab eadem. Et si qui in Comitatiba predcis sup prissis exequendis cotrarii inuenti füint aut rebelles, tūc ipi p eoş corpa arrestent^r * saluo custod[ientr]1 done idem dns R aliud inde mandatit. Vult eciam Bdcs dñs R. & Bcipit firmi? qd in singlis locis Comitatuu Bdcos publice distincte * apte det s[ciri] oib3 * singlis ex pte sua qd ipe monetam suam tanti ponderis tantiq valoris in õibz existere qanti moneta dni E. pris sui fuit e in cadem moneta nõis sui supscipsionem veracil esse attendes no vult monetam illam mutare seu cambire nec vult qd moneta illa nec moneta de cuneo Pre sue Scocie qua currere e recipi vult sicut tempe dči pris sui currere * recipi cosueuit, licet nois sui supscipco no sit in eadē vilipendant seu refutent; nec etiam qd aliqua bona victualia seu mcandise quecuq vlta veru valore eordem occone monetaș illaș car[ius]1 qem tempe eiusdem pris sui vendi cosuedant vendant decelo vi emant maxime cu monete ille tantū valeant hiis diebz qantū monete dči pris sui valdūt. Et vt hec ordinaco sua de moneta e de reb; venalib; in singlis Ciuitatiba Burgis villis meatoriis in Com pdeis firmiter • inuiolabilir obseruet ad eligend assignand noie suo de qualt Ciuitate duos Ciues € de quoît B[urgo]¹ duos Burgenses, necnō

1 Torn.

on his behalf, it be strictly commanded and enjoined to all bailiffs and constables in towns and hundreds, appointed for the preservation of his peace in the said counties, as well within liberties as without, that they bestow the same diligence for the preservation of the peace of the said king, and so behave in this behalf that they may not incur the punishment contained in the said statute, and nevertheless that they be imprisoned and heavily ransomed therefrom at the will of the lord the king. And if any be found in the counties aforesaid, hindering the execution of the premises, or disobedient, then that they be arrested by their bodies and kept safely till the said lord the king give other command thereupon. The aforesaid lord the king also wills and strictly commands, that in every place of the counties aforesaid it be publicly, plainly and openly made known to all and singular, on his behalf, that he, noticing that his money is of such weight and such value, in all points, as the money of the lord Edward his father, The king's and that upon the said money there is truthfully the money not to superscription of his name, wills that the said money be exchanged. not altered or exchanged, and that neither that money nor money of the die of his land of Scotland, which he wills to be current, and to be received as it was wont to be current and to be received in the time of his said father, although the superscription of his name be not thereon, be depreciated or refused; nor further that any goods, victuals or merchandise whatsoever henceforth be sold or bought beyond their true value, by reason of those moneys, at a dearer price than they were wont to be sold in the time of his said father, particularly since those moneys are worth as much in these days as the moneys of his said father were And in order that this his ordinance concerning money and things for sale may be strictly and inviolably kept in every city, burgh and market town in the said counties, [the king wills] to choose and appoint in his name two citizens from each city, and two burgesses from

de qualt villa meatoria duos plos e leg hoïes de Com sdeïis qui stito sasciol coram vie e illis Milië qui ad smissor coseruacem assignent smissa oïa e singla in Ciuië Burg e villis sdeïis districte e sirmil faciant observari. Idem dis R vult qd p bre suu sub sigillo suo quo vtit in Hibr vie e Militiba sdeïis in singlis Comitatiba ibidem comissio sua siat in hac pte. [Vult] insup sfatus dis R qd si qui sdee ordinacci sue contrii aut rebelles monetam suam sdeam vilipendentes aut etiam soristallarii aliqui qui essint vi arrasiint bona alior vt sic postmodu p m[anus] suas ppias carius ea vendant ad tocius populi sui detimentu inneniri contigit, p eor corpa atta[chient] e saluo custodiant don ise dis R aliud inde scepit.

each burgh, and two approved and lawful men from each Persons to be market town of the counties aforesaid, who taking an carrying out oath before the sheriffs and those knights, who shall be ap- the above. pointed for the maintenance of the premises, shall cause all and singular the premises to be strictly and steadfastly kept in the cities, burghs and towns aforesaid. The said lord the king wills that by his writ under his seal which he uses in Ireland, his commission may be made to the sheriffs and knights aforesaid, in every county there, in this behalf. Further the said lord the king wills, that if any happen to be found opposing his said ordinance, or disobedient, by depreciating his said money, or further any forestallers who shall buy or give earnest for the goods of others, that so afterwards they may by their own hands sell them at a dearer price, to the injury of all his people, that they be attached by their bodies, and kept safely until the said lord the king give other order thereon.

1 EDWARD II. A.D. 1308.

THE STATUTE OF WINCHESTER.

[Enacted in England, 13 EDWARD I., A.D. 1285].

Fresh suit shall be made after felons from town to town.

I. Forasmuch as from day to day, robberies, homicides, and burnings are more frequently committed than heretofore they were wont to be, and felons cannot be attainted by the oath of jurors, who had rather suffer felonies committed against strangers to pass without penalty than indite the offenders, of whom great part are people of the same country, or at the least, if the offenders be of another country, their receivers are of the neighbourhood; and this they do, because an oath is not put unto jurors, nor upon the country where the felonies were committed, as to the restitution of damages; hitherto no penalty has been provided for their concealment and their laches; our lord the King, to abate the power of felons, has established a penalty in such case, so that from henceforth, for fear of the penalty more than for fear of any oath, they shall not spare any, nor conceal any felonies; and he commands that proclamation be solemnly made in all counties, hundreds, markets, fairs, and all other places where there shall be a formal assemblage of people, so that none may be able to excuse himself by ignorance, that from henceforth every country be so well kept, that immediately after the commission of robberies and felonies fresh suit be made from town to town, and from country to country.

Inquests of

II. Likewise, if need require, that inquests be made in towns, by him who is sovereign of the town, and afterwards in hundreds, and in franchises, and in counties, and sometimes in two, three or four counties, in cases where felonies shall be committed in the marches of counties, so that the offenders may be attainted. And if the country answer not for such manner of misdoers, the penalty shall be such, that every country, that is to say, the people dwelling

² The text taken from the Statute Roll (Engl.) m. 41, is printed in Statutes of the Realm, I., p. 96. This statute was ordered to be observed in Ireland by the ordinance made at Westminster, 17th March, 1308, quoted in the preceding document.

in the country, be answerable for the robberies committed, and for the damages; so that the whole hundred where the robbery shall be committed, with the franchises that are within the precinct of the same hundred, be answerable for the robbery done. And if The hundred the robbery be committed in bounds between hundreds, that both the robberies. hundreds, together with the franchises, be answerable; and after that the felony or robbery is done, the country shall have no longer space than forty days, within which it shall behave them to make The country satisfaction for the robbery and offence, or else that they answer for forty days. the bodies of the offenders.

III. And forasmuch as the King wills not that his people should be Commen suddenly impoverished by reason of this penalty, which may seem hard statute. to anyone, he grants that it be not incurred immediately, but that the penalty be respited until Easter next following, and within that time the King shall see how the country shall bear itself, and whether such robberies and felonies shall cease. After which term let all be assured, that the aforesaid penalty shall run generally, namely, that every country, that is to say, the people dwelling in the country, be answerable for robberies and felonies committed in their country.

1V. And for the greater security of the country, the King commands, At what time that in the great towns, which are enclosed, the gates be closed shall be opened from sunset until sunrise; and that no man lodge in the suburbs, and shut or in any foreign part of the town only in the daytime, nor yet in the daytime, if the host will not answer for him; and that the Lodgers in the bailiffs of towns every week, or at the least every fifteenth day, make inquiry as to all persons lodging in the suburbs, and in foreign parts of the towns; and if they find any who receives or lodges in any manner persons who may be suspected of being against the peace, that the bailiffs do right therein. And it is commanded, that from henceforth watches be kept, as At what time has been used in times past, that is to say, from the day of the night watch shall the Ascension to the day of St. Michael, in every city by six men at begin and end. every gate; in every borough by twelve men; in every town by six men or four, according to the number of the inhabitants who dwell [in the town], and that they keep watch continually all night, from sunset to sunrise. And if any stranger pass by them, that he be Strangers may arrested until morning; and if no suspicion be found, that he go quit; the night and if they find cause of suspicion, that he be delivered to the sheriff watch; forthwith, and that he receive him without danger, and keep him safely, until he be liberated in due manner. And if they will not suffer

made after them.

or hue-and-cry themselves to be arrested, that hue-and-cry be raised against them, and those who keep watch follow with all the town, with the towns near, with hue-and-cry from town to town, until they be taken and delivered to the sheriff, as before is said; and for the arrest of such strangers, that none be called in question.

Highways to market towns shall be enlarged.

V. And further, it is commanded, that highways from one market town to another be enlarged, where there are woods, hedges, or ditches, so that there be neither ditches, underwood, nor bushes wherein a man may lurk to do hurt, near the road, within two hundred feet on the one side, and two hundred feet on the other side, provided that this statute extend not to oaks, or to great woods, so as it be clear underneath. And if by default of the lord who will not abate the ditch, underwood, or bushes in the manner aforesaid, any robberies be done, that the lord be answerable therefor; and if murder be done, the lord make fine at the King's pleasure. And if the lord be not able to clear away the underwood, that the country aid him in doing

The lord answerable.

Parks adjoining highways.

it. And the King wills, that in his demesne lands and woods, within his forest and without, the roads be enlarged as aforesaid. And if, perchance, a park be near the highway, it is requisite that the lord of the park diminish his park, so that there be a space of two hundred feet from the highway, as before said, or that he make such a wall ditch, or hedge, that evil doers will not be able to pass or return, to do evil.

What armour each person his house.

VI. And further, it is commanded, that every man have in lis house armour, to keep the peace, according to the ancient assise; that is to say, that every man between fifteen years of age, and sixty years, be assessed and sworn to arms, according to the quantity of their lands and chattels; that is to say, for fifteen pounds [value of] lands, and chattels of forty marks, an hauberk, a headpiece of iron, a sword, a knife, and an horse; and for ten pounds of land, and twenty marks of goods, an hauberk, a headpiece, a sword, and a knife; and for one hundred shillings of land, a doublet, a headpiece of iron, a sword, and a knife; and for forty shillings of land and more, up to one hundred shillings, a sword, a bow, arrows, and a knife; and he that has less than forty shillings in land, be sworn to gisarms, knives, and other small arms; and he that has less than twenty marks in goods, have swords, knives, and other small arms. And that all others who can have them, have bows and arrows out of the forest, and in the Viw of arms. forest, bows and bolts, and that view of arms be made thrice every year. And that in every hundred and franchise two constables

I. EDWARD II.

be elected, to make the view of arms; and that the constables afore-presentment of offences said present before the justices assigned, when they shall come to the against this country, the defaults that they shall have found in arms, and in statute. suits of towns, and in highways; and also present those who lodge strangers for whom they will not answer, in country towns. And that the justices assigned present at every parliament unto the King, and the King shall provide remedy therein. And that from henceforth sheriffs and bailiffs within franchises and without, be they greater or lesser, who have any bailiwick or forestry in fee, or otherwise. take good heed that they follow the cry with the country; and as they are able, that they have horses and arms, so to do; and if there be any that do not, that the defaults be presented by the constables to the justices assigned, and afterwards by them to the King, as aforesaid. Fairs and And the King commands and forbids that from henceforth, for the markets shall not be held in church-yards.

**The commands and forbids that from henceforth, for the markets shall not be held in church-yards.

Given at Winchester, the eighth day of October, in the thirteenth year of the King's reign.

3 EDWARD II. A.D. 1310.

[PATENT ROLL 3 EDWARD II. m. 3 f.]

art. 44.

DARLIAMENTUM DE KYLKENNY.}¹ R. Rico de Burgo Com Vlton salim. Quia sup quibusdam arduis negotiis nos e statū fre ne cotingentiba vobiscū here volum tectatū spalem vobis mandam qd sitis in pp¹a psona vra apud Kylkenn die Lune in Octabis Pur be Marie ad tectand e pliamentand cū Justic no Hibn e aliis de cons e cū cefis peeriba e magnatiba fre ne sup eisdem negotiis. Et hoc nullaten omittate in fide qua nob tenemini et heatis ibi hoc bre. T. J. Wogan ec. apud Dublin viij die Jan anno r n feio.

art, 45,

Consimilia bria mandata sunt diffsis hoibus in Hibn, videlicet.

Johi de Barry Matho de Cauntetoñ
Johi de Cogan Wilto de Cauntetoñ
Maur de Carru Reymudo Lercedekne

Maur de Rocheford Nicho de Curcy

Robto de Barry

Rico le Waleys

Jacobo de Ketyng

Rico de Exonia

Rico de Valle

Walfo de Valle

Wilto de sco Leodar

Walfo le Bret

Wilto de Burgo

Simoni de Genuilt

Rico de Exonia

Nigello le Brun

Johi de Staunton

Walfo de Lacy

Hugoni de Lacy

Johi Tuyt

Wilto de Burgo Johi Tuyt

Jordano de Exoñ seniori Riĉo fit Johis

Jordano de Exoñ Juniori Walfo de Cusak

¹ The enactments of this parliament were confirmed by a later one held at Kilkenny, 19 Ed. II. ³ Obliterated,

3 EDWARD II. A.D. 1310.

[PARLIAMENT OF KILKENNY.]

Inasmuch as upon certain difficult matters concerning us and the state of our land, we are desirous of specially treating with you; We command you that you be in your own person at Kilkenny, on Monday in the Octaves of the Purification of Saint Mary, to treat and deliberate with our Justiciar of Ireland and others of the Council, and with other nobles and magnates of our land, upon these matters; and by no means neglect this, on the fealty by which you are bound to us; and have there this writ. Witness J. Wogan, &c., at Dublin, the 8th day of January, in the third year of our reign.

Like writs are sent to divers men in Ireland, namely :-

John de Barry.
John de Cogan.
Maurice de Carru.
Maurice de Rocheford.

John le Poer of Dunhill.

John le Wyte Poer.

Richard le Waleys.

James de Ketyng.

Richard de Valle.

Walter de Valle.

William de St. Leger.

Walter le Bret.

William de Burgo.

Jordan de Exeter, the elder.

Matthew de Caunteton.
William de Caunteton.
Raymond the archdeacon.

Nicholas de Curcy.

Philip de Barry of Carrigdonegan.

Philip de Barry of Robert de Barry.

Simon de Genvill. Richard de Exeter. Nigel le Brun.

John de Staunton. Walter de Lacy. Hugh de Lacy.

John Tuyt.

Richard, son of John.

Jordan de Exeter, the younger. Walter de Cusak.

Johi de Boneuilt
Galfro le Bret
Regiñ Russel
Pho Xpofre
Miloni de Curcy
Nicho fit Maur
Georgio de Rupe
Wilto de Rupe
Johi fit Th Lengleys

David de sco Albino

Riĉo Tuyt

Wilto de Londoñ

Baldewyno le fflēmyg

Simoni ffeypo Rico Taaf

Thome de Maundenilt

Hugoni Byset

Johi Byset Alano fit Warini

Pho de Maundouilt

Walto de Seÿ

Wilto le fyz Waryn Thome le fyz Wa? Pagano de Eledoune

Nicho le Blund

Robto psone

Wilto Strangbowe

Edm de Penbrok Hugon Byset

Petro de Maundouilt Rogo de sco bosco Michi de Kylkenan

Walfo Sarexyn Hugoni de Balydouenald

Henr Ep clogher

Wilto Taaf Matho fit Hugon de Hanewode

Johi fit Martini de Maundouilt Johi fit Alani de Logan Ade de Logan Miloni de Eldoune

Pho de Borquei Johi Talbot
Henr le fflemyng Rico le Sauage
Johi Scargyl Wilto Calf
Thome le Taillur Alano de Insula

John de Bonevill. Geoffrey le Bret. Reginald Russell. Philip Christopher. Milo de Curcy. Nicholas, son of Maurice. George de Roche. William de Roche. John, son of Thomas Lengleys.

David de St. Aubin.

Simon Feypo.

Richard Tuyt.

Richard Taaf.

William de London.

Thomas de Maundevill.

Baldwin le Flemyng.

Hugh Byset,

John Byset. Alan, son of Warine.

Philip de Maundovill.

Edmond de Pembroke.

Walter de Sey.

Hugh Byset.

William le fyz Waryn.

Peter de Maundovill.

Thomas le fyz Walter. Pagan de Eledoune.

Roger de Holywood.

Robert of the parson.

Michael de Kylkenan. Walter Sarexyn.

Nicholas le Blund. William Strangbowe.

John, son of Martin de Maun-

Hugh de Balydouenald. Henry, bishop of Clogher.

William Taaf.

Mathew, son of Hugh de Hane-

dovill.

wode.

John, son of Alan de Logan.

Adam de Logan.

Milo de Eldoune.

Philip de Borquei.

John Talbot.

Henry le Flemyng.

Richard le Savage.

John Scargyl.

William Calf.

Thomas le Taillur.

Alan de Insula.

Wilto Byset
Ričo Slemeryche
Miloni de Swerdes
Hubto Byset
Hubto le Waleys
Johi de Langeton
Johi Pynxebek

m. 4 fo

Et ans Rex mandauit omibs vic suis de l'ra paca qd venire fac ibidem ad diem pacm de quolibs Com duos Milites. Et de qualibet ciuitate vi Burgo duos Ciues vi duos burgens hentes plenam patem ex pte Com pacos Com Ciuitatum et Burgos ad pliamentana tectana e ordinana cu paco Justic e cons nro e cu celis poeribs fre pace sup eisdem negotiis e ad faciena e consenciena ordinacoibs ibidem p ipos ordinana.

Ad quem diem pacus Justic * alii de cons ani R ibidem existentes congregatis corā ipis omiba ibidē sumonitis ostenderüt ex pte dni R quandam peticoem sub forma que sequitr tenore verbox ——— Por coe q toutes choses vendables sunt encheriz trop out iousement autrement q ne furent en nui temps e encheriscent de iour en Iorr a geunt damage du Roy e du pople de sa Pre Dyrlaunde, Prie le dit nre seign le Roy p sa Justice & son consail q ci est a prelez Countes e Barouns e autres bones gens de la comunyaute de la fre q sunt venuz p somunce q en la foy qil deyuent a li e a sa corone voillent de cestes choses & de autres q touchent la garde la pees de la Pre Dyrlaunde veer les defautes e sur ycoe e autres choses q plus plenement front mustrez p la dite Justice mettre tielt consail tiel remedye e tiel eyde qil soit a lonur de dex e de seynte Eglise e a comun pfit du Roy e du pople de sa fre Dyrlaunde auaunt dite. E pur coe q semble acombrouse chose q tous

William Byset. Richard Slemeryche. Milo de Swords. Hubert Byset. Hubert le Waleys. John de Langeton. John Pynxebek.

And the lord the King commanded all his sheriffs of the Sheriffs to aforesaid land, that they should cause to come there at the summon representatives. day aforesaid, of every county two knights, and of every city or burgh two citizens, or two burgesses, having full power on behalf of the communities of the aforesaid counties, cities and burghs, to parley, treat and ordain with our said Justiciar and Council, and with the other nobles of the said land upon these matters, and to do and agree in the ordinances there by them to be ordained.

At which day the aforesaid Justiciar and others of the Council King requests of the lord the King there being, all who were summoned and aid. thither being met together before them, presented on behalf of the lord the king a certain request in the form which follows in the tenor of these words: -Whereas all things saleable are become so excessively increased in price, otherwise than they were at any time, and they increase in price day by day, to the great damage of the King and of the people of his land of Ireland, our said lord the King, by his Justiciar and his Council here present, prays the prelates, earls and barons, and other good men of the community of the land who are come by summons, that on the fealty that they owe to him and to his crown, they will, of those things and of others which touch the preservation of the peace of the land of Ireland, see into the defaults, and on this and other things that shall be more fully shown by the said Justiciar, afford such counsel, remedy and aid as may be for the honour of God and of Holy Church, and to the common profit of the King and of the people of his land of Ireland And forasmuch as it seems a cumbrous proceeding

ceaux q sunt venuz p sumounce sevent ordinurs de cestes choses, pie nre seign' p sa Justice e sun consayl q ci est q toute la comune elysent deus prelas ou deus autres pdoms homes e q eaux quatre elisent de eaux memes e des autres des plus sages q ci sunt xvj q melx sachent voillent e puissent p assent de la comuaute auaunt dite consayl eyde e remedye mettre ou le consayl le Roy en la forme auaunt dite. Pretextu cui? . ¹ itas ad βcca facienc € ordinanc eligunt Epm Ossor Epm lysm Epm Imet Johem de Barry Eustach le Poer quiquidm etci eligunt ad se Etcm Leghlyñ Com Ulton Piorem Hospital sci Johis Jertm in Hibn Maur de fforte Jordanu de Exon seniore ffulcone de ffraxineto Johem de Druyt Wal²m Wogan Willm de Rupe Hugoñ Canouñ & Dauid le Maziner, qui spalit ad hoc iur tectarut adiuncte cu delib⁹acone * tam de assensu * de cosensu * Iustic * cons dni R q^am cõitatis βαce ordiñunt ε ad ppetuam rei memoriam statuerunt quasdam ordinacones sub hac forma que sequitr tenore verbož eč.

Les pincipales causes pr quei toutes choses vendables sunt encheriz souent pr coe q marchauns est[rangers *]¹ autres passaunt p pays sount robez de lur biens p ceux de gant lygnage ver quels il vnt en plusours fois ca en arire pey de recoßer ou . . . ¹ ést .¹ * enpisonez e detenuz en boys taunt qil seyent reyns a la volente des tiels meffesours. Et pr coe auxi q tiels meffesours pnent auxi bien en viles come de boys payn vyn cuoise chars e autres vitaylles * choses vendables ou kil seyent sauns renable paye fere par quei marchauns nosent p pays passer marchaundyse mener ne mustrer nyent plus denz ville q de bois, Acorde est p cōmun assent . ¹ cōmun consail de la fre com de cōmun

I Obliterated.

that all those who have come by summons should be ordainers of these things, our lord, by his Justiciar and his Council here present, prays that all the assembly choose two prelates with two other men of note, and that these four choose of themselves and others, the wisest that are here, sixteen who best know how, are willing and able, by the assent of the community aforesaid, to afford counsel, aid and remedy [in conjunction] with the King's Council, in the form aforesaid.

By reason of which request, and . . . the community Special counelected, to perform and ordain the aforesaid things, the Bishop cil elected. of Ossory, the Bishop of Lismore, the Bishop of Emly, John de Barry, Eustace le Poer, who being chosen, elected to join them, the bishop elect of Leighlin, the Earl of Ulster, the Prior of the Hospital of St. John of Jerusalem in Ireland, Maurice de [Roche]fort, Jordan de Exeter, the elder, Fulk de la Freigne, John de Druyl, Walter Wogan, William de Roche, Hugh Canoun, and David le Maziner; who being specially sworn for this purpose, treated together with deliberation, and as well with the assent and consent of the Justiciar and Council of the lord the King as of the community aforesaid, ordained and in perpetual remembrance of the matter, enacted certain ordinances in the form of words which follow. The principal causes why all things saleable are often in-Causes of, creased in price are because that merchants [strangers and] dearness of provisions, others passing through the country are robbed of their goods by those of great lineage, against whom they have frequently heretofore had small means of recovery, imprisoned and detained in woods at the will of such malefactors, until they be ransomed; and because also such malefactors take, as well in towns as in the woods, bread, wine, beer, flesh, and other victuals, and things saleable, wherever they be, without making reasonable payment, by reason whereof merchants dare not pass through the country, to convey or expose their merchandise any more in the town than in the It is agreed by common assent [as well] of the sommon council of the land, as of the common council of the

[con]'sail le Roy q chekun cheif de gaunt lygnage enpigne chastier ceaux de sun lygnage . . . solome ¹ poor. E si par cas un cheyuytayn de lygnage iustice q oue le eyde des autres cheuetayns oue le poer le Roy 1 a sount . 1 % a toutes les . . . autres choses q a la garde de la pees le Roy apendent lealment . 1 de li se conussent estre tenuz e solom ceste ordinance q en chekun Counte sevent establyz dex pdoms homes ou . . ¹ pdoms hōmes ou plus sil eyent ensemblement ou le vescounte e Coron⁹s . 1 enquere de tutz man⁹e meffesours & memes iceaux chastyer & enpisoner & 1 q le Roy a coe assignera. Acorde est auxi pr bien de la pees ke pr amendement . 1 cest asati de la Moneye (2) & des forstaillurs (2) de Marche . 1 pr la pees garder . 1 & puplie * ferment tenus en tous ces poyns de E pr coe q marchauns e la comune de pople de ceste Pre sunt . . 1 pollyz & destruit p les pises de geunt seign's de la Pre q pnent la il vount p pays coe q lur pleist sauns renable pae ou gre fere a ceaux de qi les choses sunt pises. E auxi de coe qil vount soiorfi de gre e hbeg oue bonez gens du pays contre lur volente pr eaux destrure € enposer,

^{*} Obliterated.

Lynch, in his Legal Institutions, &c., Ireland, p. 63, says that the statutes of arms, money, and forestalling were confirmed by this enactment. Statutes concerning false and other money were made 37 Ed. L. and 28 Ed. L. Printed as chap. I., Statutes 1310, in Statutes of Ireland, ed. Sir Richard Bolton, 1631.

King, that every chieftain of great lineage take on himself Every chief-	_
to punish those of his own lineage	Þ
the law according to his power. And if by chance a chieftain of own race.	
lineage be not sufficient to bring to justice the malefactors	
· that the Justiciar with the help	
of the other chieftains, with the King's power	
• • • • • • • • • • • • • • • • • • •	
and all the other things that to the preservation of	
the King's peace belong loyally to do	
. , acknowledge themselves to be held and according to	
this ordinance	
that in every county be established ten men of note Ten in each	
or more	
men of note or more, if such there be, together with the and Coroner to hold	В,
Sheriff and Coroners, enquiry and	
enquire of all manner of malefactors, and these same punish evil-	
to punish and imprison and	
whom the King shall assign for that	
purpose.	
It is agreed also for the good of the peace that for the	
amendment	
that is to say, of money, and of forestallers of the Money.	
market, for the preservation Forestallers.	
of the peace and published, and firmly held	
in all these points	
And whereas merchants and the common part of the people	
of this land are [much] impoverished and oppressed by the	
prises of great lords of the land, who take what they will	
through the country, as it pleases them, without making	
reasonable payment or satisfaction with those from whom the	
things are taken; and also whereas they will sojourn at their	
pleasure, and lodge with the good people of the country against	
their will, to destroy and impoverish them, It is agreed and	
assented that no such prises be henceforth made, without No prises to	
reasonable payment or satisfaction being made, and that no one be made with	ì-
• •.	

Acorde est ϵ assentu \tilde{q} nuls teles pises seyent decy en auaunt fetes saunz renable paye ou gre fere. E \tilde{q} nul ne Oberge ne soiorne a meyson de autri p tiel malice encon? le gre de celi qi la mesoun est pr ses biens destrure. E si nult le fet seyent tieles pises.

¹ The entry in the roll is incomplete.

lodge or sojourn at the house of another, through such evil out payment motive, against the will of him whose house it is, to destroy his or agreement No one to goods, and if any do it, such prises [and such manner of lodge with destructions shall be held for open robbery, and the King shall another against his have the suit thereof, if others will not, nor dare not sue.]1

[In Sir Richard Bolton's edition of the Irish Statutes (1621), the following, which are not found in the Patent Roll (above) or in the entry in the Red Book of the Exchequer of Ireland, which follows, appear as Chapters II. and V. respectively of the Statutes enacted in this Parliament of 1310.

It is agreed also that none shall keep idle people nor kearn in time of peace, to live upon the poor of the country, but that Kearns and those, which will have them, shall keep them at their own not to be charges, so that their free tenants, nor farmers, nor other kept in time of peace at tenants be not charged with them. And if any idle man or charge of kearn take anything of any person against his will, in the form aforesaid, the wardens of the peace and the sheriff of the county, where such act shall be done, shall do with him as with an open robber, as often as they shall have notice thereof, by indictment, or by the suit of the King or the party.

It is ordained and provided that there shall be certain justices assigned to take the assizes of Mortdauncestor, and of Justices Novel Dissessin, in all the counties of Ireland, and to deliver to make the gaols, in the same counties, and that they shall make es_estreats of fines for the treats of the fines and amerciaments, chattels of felons and Exchequer. other manner of profits which appertain to the King, throughout their offices, and such estreats shall deliver into the Exchequer twice every year, that is to say, at Easter term and Michaelmas term.]

¹ Supplied from Statutes of Ireland, 3 Ed. IL to 13 Jac. L, edited by Sir Richard Bolton, 1621.

3 EDWARD II. A.D. 1310.

[RED BOOK OF THE EXCHEQUER IN IRELAND, FOL. 25.]

CORDE est ausint e assentu qe nul gent seign ne autre ne face duresces manaces noun duemēt 2 pr auoir de lour gent rauncoun par tiele voie de extorsioun ne pr doner les pteccion. E ceaux qi tieles manieres de ptecciouns dounent ou recejuent autre qe le Rei ausibien . 2 le Receyuour come le donour a la volentee le Rei forspis soulement les seign's q par resoun de lour reale fraunchise prount pteccioun doner denz lour fraunchises.

Capm. vj.

Acorde est ausint e assentu qe si nul home feffe autre de sa fre en lentente de aler de guer[re]3 ou de fere autre felonie, e apres la felonie fete de auoir ariere sa Pre auaundite qe [ti]seles manieres de feffementz soient tenuz pur nuls. Mes tantost apres la felonie fe[te]2 eit le Rei lan e le Waste de meismes les tenemetz e puis les eit le chief seign come sa eschete. Issint neprqent qe la verite du fet e la maniere du feffement seit pimes enqis [p]2ar brief de la Chauncelerie.

Capm vij.

Acorde est ausint qe nul sur peyne de vie e de membre ne doune ne vende ne par nul arte ne par nul engýn face auoir a null Engleis ne Irreis qi aptement countre la pees le Rey seit, vuyres ou vitailles ne autre chose qe aleir le puisse, ne oue luỳ ne tiegne pole ne copaignye ne luỳ face ne consail ne aide ne fauour ne luy doigne. Mes list a chescu qi a la pees le Rei seit a coure sur tiels manieres de felouns. e les destruyre tant quil se voillent faire iustizables a la pees le Rey.

Capm. viij.

Acorde est ausint pr bien de la pees des pties de Leynestere q si nul home Irreis ou Engleis seit de guerre en un des quatre Counteez de Leynestere, qe toutz les quatre Counteez

The earlier part is wanting in the Red Book.

Quality Delicerated.

3 EDWARD II. A.D. 1310.

T is also agreed and assented that no great lord or other CAP. V. (2) person unduly make duresse or menace [to anyone] to have give protection of them great ransom by such way of extortion, or give them tions but the protection. And that those who give or receive such manner of protection, other than the King, as well the receiver as the giver, be at the will of the King, except only the lords, who by franchises. reason of their royal franchise, may give protection within their excepted. franchises.

It is also agreed and assented that if any man enfeoff Cap. VI. (*) another of his land, with the intent of going to war or committing any other felony, and after the commission of the intent to rebel felony, to have again his aforesaid land, that such manner of felony void. feoffments be held for nought; but that presently after the felony committed, the King have the year and the wastes of the same tenements, and that afterwards the chief lord have them as his escheat, so nevertheless that the truth of the fact, and the manner of the feoffment be first enquired of by writ out of Chancery.

It is also agreed that no one, upon pain of life and limb, Cap. VII give or sell, or by any arts or contrivance, cause any Englishman No one to supply or Irishman, who may be openly against the King's peace, to victuals or have provisions or victuals or any other thing that might be rebellion. for his sustenance, or hold parley or company with him, or afford him counsel or aid or show him any countenance. But it shall be lawful for everyone who is in the King's peace, to pursue such manner of felons and destroy them, until they Pursuit of be willing to become amenable to the King's peace.

It is also agreed, for the welfare of the peace of the districts CAP. VIII. of Leinster, that if any man, Irish or English, be at war None at war in one of the four counties of Leinster, that all the four counties in the four

¹ Printed in Sir Bichard Bolton's edition of the Statutes (1621), as cap. III.
² Printed in same as cap. IV.

de Leynestere deyuent tenir de guerre, issint qil ne seit receu a pees sauntz assent des sen des quatre Counteez auaûtditz, e taūt come nul seit issint de guerre nul des quatre Countees auaûtditz, ne luy doune ne luy vende vyure ne vitailles, ne nule autre chose sicome est auaûtdit sur la peyne auaûtdite.

Capm. ix.

Acorde est ausint e assentu que ceaux que vnt fres en Marche facent garder lour Merchez e si nul par lour necgligence e lour apte defaute e pr lour veisins e les fres des veisins destruyre, soeffrent de gree e pr malice lour dites merches destruyre e pr prendre par felouns Irreis ou autres la ou il les puissent auoir defenduz e poynt ne firêt ne fere ne voleient. Mes pr lour apte defaute les passages e les chemyns des marchatz e de autres que sunt a la pees le Rei sount estopeez. E par taunt entree est done as Irreis felouns en les fres de pees que prendrount e destruyerount les fres veisines; en tiel cas list au Rei ou au chief seignur de que les dites marches serount tenues que sul conquerent les dites Marches, de tenir les en lour mayns taut que les coustages luy soient renduz, les quels il auera mys ausi bien pr la fre conquerre come de le affermer e garder.

Capm x.

Acorde est ausint que defendu seit a toutz les Religious que meynent en fre de pees ou fre Engleis qu'il ne receyuent en lour ordre ne en lour Religioun si ceaux noun que sount de la nacioun des Engleis, e si autrement le facent le Rey se prendra a eaux come a ceals qu'i sount despisours de son comaundement. E lour auowez se findret ausint a eaux come a ceaux qu'i sunt desobeissauntz e contriauntz a ceste ordenauce fete par le comun consail de la fre.

Capm. zj.

Acorde est ausint qe process condenaunces sount si sollempnemët fetes pur commun pfit de tote la Pre Dirlaunde, sil ne soient fermemët tenues e gardees sans blemysement en nul poynt par durablement, gant damage sreit a tote la Pre ausütdite seient les articles des ordenaunces

of Leinster ought to hold him as at war, so that he be not counties of received to peace without the assent of the seneschals of the have victuals four counties aforesaid, and so long as any be so in rebellion. supplied. that no one of the four counties aforesaid give or sell him provisions or victuals or any other thing as aforesaid, upon the penalty aforesaid.

It is also agreed and assented that those who have lands in the march, cause their marches to be guarded, and if Those who have lands in any, by their negligence and their open default, and so as to the marches to guard destroy their neighbours and their neighbours' lands, wilfully them. and of malice, suffer their said marches to be destroyed and taken by Irish felons or others, whereas they might have defended them, and they do it not nor are willing to do it; but by their open default, the passes and the roads used by merchants and others who are in the King's peace, are stopped. And thereupon entrance is given to Irish felons into Where roads lands at peace, who thus shall take and destroy the neighbouring the King or lands; in such case, it shall he lawful for the King or the lord to hold chief lord, of whom the said marches shall be held, if they conquered. conquer the said marches, to hold them in their hands until the until repaid charges be paid them, which they shall have expended as well guarding, &c. in conquering the land as in securing and guarding it.

It is also agreed that it be forbidden to all the Religious who dwell in a territory at peace or in English land, to receive into Only those of the English their order or into their religion any, save those who are of the nation to be English nation, and if they do otherwise, the King shall act received into Religious towards them as in the case of those who are despisers of orders. his command; and their patrons shall demean themselves towards them as in the case of those who are disobedient and opposed to this ordinance, made by the common council of the land.

It is also agreed that, inasmuch as these ordinances are thus solemnly made for the common benefit of the whole land of Ire-Foregoing land, if they be not firmly held and kept without infringement be published. in any point for ever, there would be great injury to the whole land aforesaid, the articles of the aforesaid ordinances be read

auaūtdites ci deuaunt tut le poeple lu e publie e qe Erceuesq̃ Euesq̃ e autres βlatz qi ci sount escumengent sollempnement . .¹ ceaux qi encountre cestes ordenaunces en nul point vendrount piueement ou ap[tement]¹ par force ou par arte ou par engyn ou en nule maniere quele qe ele seit. E estre [ceo]¹ soient les articles auaūtditz maundes desouz le seal le Rei a toutz les Erceuesq̃s d[e la dit]¹²re e qe eaux facent les ditz articles en chescune Eglise Cathedrale de tote lour p[vin]²ce e aillours la ou il voient qil fet afere pur bien de la pees le Rei lire e publier [e]² maunder ceo qe en eaux est quil soient par tut tenuz. E de fere escumeng² en ch[es]²cune eglise Cathedrale e pochiale toutz ceaux qi vount encoutre les dites ordinaū[ces]² en nul poynt aptement ou p¹ueement sicome est avaūtdit.

Sentencia.

Auctoritate pdcaz ordinacionu puisionu e concessionu venabit pa? M: Arieps Casset W: Ossor Eps. W: Imet Eps. R: Lismor Eps. M: Leighlin Etcs confirmatus e ceteri prelati xijo die ffebr in Maiori eccia sci Kenni de Kilkenny in psencia dnoz Rici Com Vlton John Wogan Justic Hibn, Rici de Clare, Johis fit Thome, Johis de Barry, Maur de Rupeforti e alioz ptimoz magnatu ere Hibn e de eozdem assensu pnuciarut qemdam sentenciam in hec verba.

Nos M: miseracione diuina Archiefs Casselens. W: Ossor. W: Imet. R. Lismor Epi & M: Leighlin Etcs confirmatus auctoritate dei patis omipotentis & fit & spiti sci & gliose semp virginis gntricis dei Marie & bi Archangti Michis & Omum Angtos bos Petri & Pauli & Omium Aplos Martis Confessos & virginu excoicamus anathematizamus dampnam? & a liminib; sce Matis eccie sequestamus omes & singulos qui amodo pacem

and published before ail the people, and that the archbishops and bishops and other prelates who are here, solemnly excom- Offenders to municate those who against these ordinances in any point offend, municated secretly or openly, by force or by contrivance or design, or in any manner, whatsoever it be. And further that the articles aforesaid be sent under the King's seal, to all the archbishops of the [said] land, and that they cause the said articles to be read and published in every cathedral church of their entire pro[vince] and elsewhere, wherever they see fit that it should be done for the welfare of the King's peace, [and] command (as far as in their power) that the [said articles] be, in all points, observed; and that they cause to be excommunicated, in every cathedral and parish church, all those who act contrary to the said ordinances, in any point, openly or secretly, as aforesaid.

Sentence.—By authority of the aforesaid ordinances, provisions and grants, the venerable fathers M[aurice], William], archbishop of Cashel, bishop of W[illiam], bishop of Emly, R[ichard], bishop of Lismore. M[aurice, bishop] elect and confirmed of Leighlin, and other prelates, on the 12th day of February, in the great church of St. Canice, Kilkenny, in presence of the lords, Richard, earl of Ulster, John Wogan, justiciar of Ireland, Richard de Clare, John son of Thomas, John de Barry, Maurice de Rochfort, and many other magnates of the land of Ireland, and with their assent, pronounced a certain sentence in these words,-

We, M[aurice]. by divine mercy, archbishop of Cashel, Excom-W[illiam] of Ossory, W[illiam] of Emly, R[ichard] of Lismore, pronounced bishops, and M[aurice, bishop] elect and confirmed of Leighlin, in St. Canice's, Kilkenny. by authority of God the Father Almighty, the Son and the Holy Spirit, and of the ever glorious Virgin Mary, mother of God, St. Michael the archangel and all angels, saints Peter and Paul, and all the apostles, martyrs, confessors and virgins, excommunicate, anathematize, condemn, and from the threshold of Holy mother church, exclude all and singular those who shall

dni Regis in fra Hibñ scien? maliciose violauerint pt basint seu violari e pturbari mandasiint concesserint vel assenserint p se vel alios consilio vel auxilio arte vel ingenio cum õib3 fautorib3 siue clam vel palam cui cumq fsiint condicionis, simili modo omes illos e singulos cui cumq condicionis fsiint qui ordinaciones sacas in hoc parliamento ordinatas pt basint violasiint seu irritasiint mandasiint seu temptasiint seu fauorem auxiliü aut receptamentu pt batorib3 e violatorib3 scient dederint quoquo modo.

Apres totes les auaûtdites bosoignes cheuyes en la fourme auaûtdite ordene fut par la Justice e par le consail le Rei prece que multz des gens sunt fetz viscountes par resoun de gentz Pres « tenementz qil tienent qi poy sount sachauntz del office viscountell « bien deyuent estre que il ne vnt guers de tieles choses apris!—

¹ Entry incomplete,

henceforth, the peace of the lord the King in the land of Ireland, knowingly, maliciously, violate or disturb, or command, grant or assent to its being violated or disturbed, by themselves or others, by counsel or aid, art or design, with all their favourers, whether secretly or openly, of whatsoever condition they be; in like manner, all and singular those, of whatsoever condition they be, who the aforesaid ordinances in this parliament ordained, shall disturb, violate or make void, or assail, or knowingly give aid or shelter to disturbers and violaters in any manner.

After all the aforesaid businesses concluded in form aforesaid, it was ordained by the Justiciar and by the King's council, that whereas many of the people are made sheriffs by reason of the great lands and tenements that they hold, who, little learned Usuitable persons in the office of sheriff (and they should be well skilled therein), appointed seeing that they have little acquaintance with such things—sheriffs.

10 EDWARD II. A.D. 1316.

[Memoranda Roll, Exchequer, 3-11 Edward II. m. 13 d.]1

`UM p ditcm * fidelem nr̃m Edmūdum le Botiller Justic nîm Hibîn & totum cons îrm ibidem p pacis îre conseruacone e coi popli nri vtilitate iam concordatu sit e ordinatū, qd omes € singuli redditus firme pficua € alii quicumq exitus Praz & teñ quozcuq alienigenaz & exaneoz hoim in Baca fra nra Hibn qui exa candem fram nram se tenent * redditus * firmas suas plenarie ibidem recipiunt * alibi expendunt p sua voluntate nº custus seu misas aliquas in defensione Praz * ten suoz pacoz appone curant, p quod p maiori pte in eoş deftm tam Pre & teñ ñra qam alioş fideliū ñros ibidem et fre € teñ sua ppria p diffsos maleftores € pacis ñre ptrbatores hucvsq destruuntr € vasta iacent € inculta in ñri € toci° populi ñri paci dampnū gauissimū € intollerabile, de cetero ad opus nr̃m leuentr colligantr € recipiant^r, ita qd tota pec inde pueniens in Thes nëm apd Dublin sine ditone libet^r ibidem in deposito remanenda € p pacis nre conservacione * pace Pre nre defensione cu tempis acciderit oportunitas expendenda.

¹ This enactment is recited in a writ dated 11th September, 10 Edward II. and, from the word jam in the preamble, it would appear to have been made inst prior to that date. Edmund le Botiller was appointed Justiciar of Ireland by writ of 4 Jan. 8 Ed. II. (1314-15), holding that office until 1318. (See XXVI. Report Dep. Keeper Becords, Ireland, Appendix III., p. 58, note.)

10 EDWARD II. A.D. 1316.

HEREAS by our beloved and faithful Edmund le Botiller, our justiciar of Ireland, and our whole council there, for the preservation of our peace and the common benefit of our people, it is now agreed and ordained that all and singular the rents, farms, profits, Rents of alien and other issues whatsoever of lands and tenements of lands to be any aliens and foreigners whatsoever in our aforesaid land expended for defence of of Ireland, who keep themselves outside our said land, and the country. their rents and farms fully there receive, and expend themelsewhere at their pleasure, nor care to apply any costs or expenses in the defence of their lands and tenements aforesaid, whereby principally through their default, as well our lands and tenements as those of other our liegemen there, and their own lands and tenements, by divers malefactors and disturbers of our peace have been heretofore destroyed, and lie waste and uncultivated, to the very grievous and intolerable injury of us and all our people aforesaid, from henceforth be levied, collected and received to our use, so that all the money thereout arising shall be delivered into our treasury at Dublin, without delay, there to remain in deposit, and to be expended for the preservation of our peace and the defence of our land aforesaid, whensoever occasion shall require.

13 EDWARD II. A.D. 1320.

[RED BOOK OF THE EXCHEQUER IN IRELAND, FOL. 27.]

RDINA CONES¹ acte in parliamento Dubliñ in mense Pasche anno regni Reg E. fit Reg E. tercio decimo, coram Rogo de Mortuo Mari Justiĉ Hibñ & consilio dni Regis & [a]²liis magnatibus terre Hibñ tunc ibidem existentibus, in forma que sequit^r.

Edward par la grace dieu Rey Dengleterre Seigneur Dirlaunde & Ducks Daquitayne [as]² Meir & as Baillifs de Dyuelyn salutz. Come par comun assent de nre Justice Er[che]²uesq̃s Euesq̃s Countes Barouns & tote la comunalte de nre fre Dirlaunde a nre plement a Dyuelyn tenutz au meys de Pasche lan de nre Regne treszyme seit acorde & assentu [q̃]² les ordenaunces souzescrites soient fermement tenutz & establitz en tote nre fre auant dite ceo est asauoir, pur lez g²ntz greuaunces oppressiouns q̃ nre poeple en Irelaunde ad suffert ca en arere, p defaute quil ny auoit certeyn remedy ne recourir ordeinetz en plusors cas ou mest feust, q̃ toutz les articles susditz en le hon de dieu et de seinte Eglise & pr le profit du poeple auaunt-dit seient pleynement desore en auant tenuz e gardez en tous poyntz.

Capm. primum A de pimes acorde est q seinte Eglise soit fraunche « eit totes ses fraunchises et ses fraunches custumes saunz nule manierre de blemissement, et q la gende chartre le Roy graunte a la clergie « au poeple Dirlaunde soit puplie « tenutz en touz poyns. Et q tous les articles contenuz de souz le gend seal Denglefre a desclarer en quelt cas la phibicion le Roy deit estre garde et en quelt noun soit puplie « tenuz.

Capm. ij.

Acorde est auxsint q les estatus de Weymoust^r le pⁱmer * le secound, M^rton, Marleberge, et Gloucestre seent tenutz et les

¹These ordinances were confirmed in a parliament held in Kilkenny, 19 Edward II.

²Obliterated.

13 EDWARD II. A.D. 1320.

RDINANCES enacted in a parliament at Dublin in the month of Easter, in the thirteenth year of the reign of King Edward, son of King Edward, before Roger de Mortimer, justiciar of Ireland, and the council of the lord the King, and other magnates of the land of Ireland then there being, in the form following:-

Edward by the grace of God, King of England, lord of Ireland and duke of Aquitaine, to the mayor and bailiffs of Dublin Whereas by common assent of our Justiciar, the archbishops, bishops, earls, barons and the entire commonalty of our land of Ireland, in our parliament held at Dublin in the month of Easter, in the thirteenth year of our reign, it is agreed and assented that the under written ordinances be firmly held and established in all our land aforesaid, that is to say, in consideration of the great grievances and oppressions which our people in Ireland have suffered in the past, by reason of their having no certain remedy or recovery ordained in many cases where need was, [and] that all the underwritten articles, in the honour of God and of Holy church, and for the profit of the people aforesaid, be henceforth fully observed and kept in all points.

Firstly, it is agreed that Holy church be free, and have all her liberties and free customs without any manner of infringement, and that the great charter of the King granted to the clergy and people of Ireland be published and observed in all points; and that all the articles contained under the great seal of England declaring in what case the King's prohibition, and in what name, ought to be observed, be published and held.

It is also agreed that the Statutes of Westminster the First and the Second, of Merton, of Marlborough and Gloucester be Confirmation of West-

CHAP. I.

CHAP. II. minster the

¹ The Statutes of Westminster the First and Second, and the Statute of First, and Gloucester were ordered to be observed in Ireland by Writ 13 Edw. I. (see p. 46), other statutes, and are involled in the Red Book of the Exchequer in Ireland. The Provisions of Merton were to be observed under Writ 20 Henry III. (see p. 29). The Statute of Marlborough (62 Henry III.), would not appear to have been previously authorized for observance here; it will be found in Statutes of the Realm, vol. I., p. 19.

altres estatutz fetz en Engleterre p le Roy « son conseil seent recitetz « examinetz deuaunt le conseil le Roy entre cy « le proscheiñ plement « la puplietz « les points q couenables sount pur le poeple e la pees de la terre Dirlande soient illuesques confermetz et tenutz, salues toutz iours les bones custumes et usages de la terre.

Capm. iij.

Et pr ceo q le comun poeple Dirlaunde est mit greue et a poy destruyt et les terres de seinte eglise et du pople sount gastetz e destruytz par diuerses meffesours en la mafie qun suyt, ceo est asauoir q tout pleyn des gentz maundent lour gentz, chiuaux, cheens, et oyseals pur soiorner as mesouns des bones gentz Religiouns e altres encontre lour voluntie et pernent & destruyent lour biens & ausi altres sount q sount ou se fount des lynages et cuyllent gende conpaignie a eaux des hobelours vdyues gentz et altres mauoys, encontre la pees « autres gentz a pee q vount de ville en ville de home en home. demandauntz curtoisies des denierres bleetz & altres manierres des vitailles, * si hôme ne les doun a lour voluntie il manacent la gent de vie « de membre « ialemeyn» pnent les biens des bones gentz en noun de gage, & les tenent taunt quil eent lour demaunde. Parquey prueu acorde * assentu est q come tiels masses de mesesours vendront en pays q hu & cry soit leue s' eaux, a quey tout le poeple lieue & les prsue & preigne sil se voudront rendre, et tauntost soient maundetz a la pisone le Roy et la demoergent taunt q dreit seit fait de eaux come de eaux q sount encontre la pees le Roy et les biens « les chyuaux cheens & oyseaux soient forfetz au Roy ou a seignr de fraunchise ou a Baroun que conissaunce de meynoeure ou tieuz trepasses soient faitz. Et sil ne se vuillent my rendre soient pursuitz & fait de eaux come de felouns encontre Et en meisme la mafie soit fait de Keernes gant il vendront en pais et rien pernent contre la voluntie de nully. Et auxsi des gentz q viegnent oue gande compagnie des gentz maliciousement a la mesoun dacun saunz estre requis et despendût et gastent les biens de loiaux gentz en

held, and the other statutes made in England by the King and his council be read and examined before the King's council between this and the next parliament, and there published, and that the points which are applicable to the people and the peace of the land of Ireland be from thenceforth confirmed and held, saving always the good customs and usages of the land.

And inasmuch as the common people of Ireland are greatly CHAP. III. distressed and well nigh destroyed, and the lands of Holy who commit Church and of the people are wasted and destroyed by divers waste. evildoers, in manner following, that is to say, that all manner of men send their people, horses, dogs and birds, to lodge in the houses of honest folk, religious [communities] and others against their will, and take and destroy their goods; and others there are also, who are or pretend to be men of birth, and they collect to themselves a great company of hobelers, idle men and other evil persons against the peace, and other men on foot, who go from town to town, from man to man, demanding presents of money, corn and other kinds of victuals, and if one gives them not at their will, they threaten people with loss of life and limb, and further, they take the goods of honest people, by way of pledge, and hold them until they have their demand. Wherefore it is provided agreed and assented, that when such class of evildoers come into the country, hue and cry be raised Hue and cry against them, at which all the people rise and pursue them, against roving and apprehend them, if they will give themselves up, and bands, who that they be immediately committed to the King's prison, and tainment. there remain until right be done of them, as those who are against the King's peace, and that their goods, horses dogs Penalty on and birds be forfeited to the King, or to the lord of the liberty them. or to the baron who has cognisance of mainour, where such trespasses are committed. And if they will not give themselves up, that they be pursued, and it be done to them as to felons against the peace. And in the same way it be done to kernes, when they come into the country and take anything against the will of any. And also as regards those who come of malice with a great company of men to the house of any without being

abessauntz & destruyauntz le poeple. Defendu [est q̃]¹ nul desormes le face, et quy le fra soit fait de luy come des felouns soutz ditz. Et [en me]¹me la mafie soit fait en fraunchises de ceaux q̃ trepassent en les fraunchises et [en ba]¹ronnyes q̃ ount conissaunces de meynoeure. Et si tiels meffesours se fuent e ne [se]¹ vuillent mye iusticer a la pees le Rey les seignurs des fraunchises « lour seneschaux les facent prendre « maunder a la p¹sone le Rey si les trespas soient faitz en le Gildable. Et si en fraunchises soient faitz, facent les seignurs e lour Seneschaux mys par eaux si come est auant dit.

Capm. iiij.

Et pur ceo q le comun poeple est mult grene p vdyues gens « altres q portent rentes de diuerses gentz de la terre pur estre de lour auowerye € en lour proteccions par lour tres patentes et par taunt sount enbauditz de meffere, et charger veysins & le pople par quey home ne poet lour biens enioyer lour dreit pursure ne defendre pur doute de tiel manierre dauowerye; Acorde est q nul ne face proteccion desormes si le Rey noun et seignur de fraunchise. est q le viescount enquierge de Counte en Counte qux sunt ceaux portours de tiels manierres de rentes fesours v receyuours de tiels proteccions & les preignent, et sil seient atteyntez devaunt Justices assignes ou la chef Justice eyent la pisone dun an en chastiement de eaux et des altres. les justices assignetz ou la chef Justice facent dreit a tous ceaux q de eaux se vodrount pleyndre. Et q nul graunt seignur ne altre preygne vyures vytailles ne autres chateaux de nul clerc ne de nul lay ne de lour tenauns ou altres contre lour. voluntie, et quy le fra et quy le fra? et de ceo seyt atteynt soit puny solome la quantite du trespas. Et q nul viescounte ministre ne altre de la terre nie affoerent nul amerciement de nuly si noun par lour perres a ceo metz. Et qui le fra e de ceo seit atteynt rende a la partie ses damages en double et soit afficie greuousemēt.

¹ Obliterated. ² Words repeated in MS, ² From this to the end of the paragraph appears to have been scored out in ink, and the scoring afterwards scraped out.

bidden, and spend and waste the goods of loyal men, in abusing and destroying the people; it is forbidden that any henceforth do this, and whoever shall do it, that it be done to him as to the And in the same way, that it be done in liberfelons aforesaid. ties to those who commit trespass in the liberties and baronies, which have cognisance of mainour. And if such evildoers flee and will not submit to the King's peace, that the lords of the liberties and their seneschals cause them to be apprehended and committed to the King's prison, if the trespass be committed in geldable land; and if in liberties, that the lords and their seneschals appointed by them do as aforesaid.

And whereas the common people are much troubled by idle men and others who bear rents of divers people of the land, for being of their avowry and protection by their letters patent, and who thereby are emboldened in evil doing and burdening their neighbours and the people, on account of which none can enjoy their goods, prosecute or defend their rights for fear of such kind of patronage; it is agreed that none henceforth grant protection, except the None to grant King and the lord of the liberty. And it is provided that the save the King sheriff enquire, from county court to county court, who they are and lords of that bear such kind of rents, the makers and receivers of such protections, and that they apprehend them, and if they be convicted before the justices assigned or the Chief Justiciar, that they be imprisoned for a year, as a punishment to them and others. And that the Justices assigned or the Chief Justiciar do right to all those who will complain of them. And that no great No great lord lord or other person take provisions, victuals or other goods, of to take victuals of any clerk or layman or of their tenants or others against their any against will, and whose will do it and is of this convicted, that he be punished according to the amount of the trespass. And that no sheriff, officer or other of the land assess any amercement on any, except by their peers for this purpose appointed; and whose will do it and is of this convicted, pay to the party his damages two-fold and be heavily fined.

CHAP. IV.

Capm. v.

Et q en chescun Countee seent justices assignes ceo est asaur un home de Court sage et loial et puissaunt, quy oue deaux chiualers du Countee ou altres bones gens couenables a ceo assignetz, deuaunt qux e nuls altres ou deaux de eaux si tous ne puissent entendre, dount celuy de Court seit lun, sauue le poer la Justice Dirlaunde ou altre cause couenable, seient les assises certificacions et atteyns pires e la Gaole Et les dites Justices enquerdelyueretz qent meister serra. gent a chescun sessyon ou a meyns deaux foitz par an, coment les viescountes et southviescountes scriauntz et soutzscriauntz eyent fait lour offices et la pees garde sur les articles Et q meisme ceaux Justices enquergent des viescounts southvicecountes et lour clers seriauntz et lour soutzministres coment il se portent en lour offices et facent dreit de eaux et ovent & Pminent les pleintes de chescuny q de ceaux pleyndre se vodra. Et si les treis ne pount entendre deaux de eaux le facent. Et q nul home eyt comission de Justicerie saunz le conseil le Rey, ceo est a sauoir la chef Justice, Chauncelier, Thresorier, Justices du Baunk et Barouns del Eschekier. Et ordeyne est q ceaux q deyuent venir a hu & crye et ne venont poynt seient deuaunt les Justices assignetz reyns a suyte de partie ou a Bsentement de viescounte a la suyte le Rey, sil seent atteyntz e rendent a la partie greue ses damages en double.

Capm. vj.

[Et q̃ la]¹ chief Justice a ses venues par pais qant luy plerra enquierge coment [les min]¹istres del Eschekier et du Baunk Justices assignes et altres ministres a lour . . . * portent en lour office et ceaux quyl trouera en defaute les face punir solomc [son disc]²recion. Et si nul ministre seit atteint du trespas tochaunt son office a suyte [la par]²tie, eyt la partie recourir de ses damages vs lui, et ialemeyns seyt puny [p le]² Rey solome la manierre du trespas.

And that in each county justices be assigned, that is to May, a man of court, wise, and lawful and powerful, who, with two with two knights of the county or other good men suitable, knights, in for this purpose assigned, before whom and no others, or two of to hold them, if all cannot hear [the cases] (of whom the man of court delivery, &c. to be one), saving the authority of the Justiciar of Ireland or other fitting cause, shall be held the assizes, certifications and attainders, and the gaol be delivered, when there shall be occasion. And the said justices shall enquire at each session, The justices or at least twice a year, how the sheriffs and sub-sheriffs, to perserjeants and under serjeants, have performed their offices, formance of and preserved the peace upon the articles aforesaid. that the same justices enquire of the sheriffs, sub-sheriffs sheriffs, &c. and their clerks, serjeants and their under officers, how they behave in their offices, and do right of them, and hear and determine the complaints of any who wish to complain of them, and if the three cannot hear [the cases], that two of them do it. And that no one have a commission of the justiceship, without the King's council, that is to say, the Chief Justiciar, chancellor, treasurer, justices of the Bench, and the barons of the Exchequer. And it is ordained that those who ought to come to hue and cry, and come not, be arraigned before the assigned justices at suit of the party, or on the presentment of the sheriff, at suit of the King, and if they be convicted, pay to the injured party his damages twofold.

[And that] the Chief Justiciar on his journeys through the country, when it shall please him, enquire how the officers of Justiciar in the Exchequer and of the Bench, the justices assigned, and his journeys to other officers and their [deputies] behave in their offices, and the officers of those whom he shall find to be at fault, he cause to be punished, and the according to his discretion. And if any officer be convicted of justices of any offence touching his office, at suit of [a party], that the party have recovery of his damages against him, and further, that he be punished by the King according to the nature of the offence.

their duties And by the

enquire as to

Capm vij.

[Et q̃ ce]¹aux q̃ alienent lour terre en voluntie de aler en gerre seit fait de eaux solomc[ce]¹ q̃ est contenuz en les ordenaunces faites a ² de Kilkenny³. Et quil eyt parlement chescun an .¹ foits a meyns en quel lieu quyl semble a la Justice « au conseil q̃ meuz sait a faire, [*] q̃ tous les g³ns seignurs, Prelatz « autres y viegnent al pil q̃ apent.

Capm. viij.

Et q nul plee seit plede en Leschekier fors q ceaux pleez q touchent le Rey, Ministres [de] l Eschekier de la Goule Daugust taunt q a la seint Michiel, et de somer dymenge en Quarreme taunt q a la Cluse Pasq.

Capm. ix.

Et q̃ vne mensure et un pejs seit par tote Irlaunde ceo est a sauoir furment ε dautre blie, la quarter de furment de Lundres de viij pecce, desq̃ux les vij rees ε le vtýme coumble, et des aueynes xiiij pecce coumbletz. Et les busseaux galouns de výn ε de Ceruoise et les altres mesures seent accordauntz al Estandard le Reý par toute Irelaunde.

Capm. z.

Et q nul viescounte lesse desore par meynpise nul pisone sil ne soit meynpernable p ley saunz especial maundement de la chef Justice, et quy altrement le fait seyt reynt a la voluntie le Rey.

Capm. xi.

Et si nul face Roberie ou altres felonies en les Croces q les Seneschaux des ffraunchises q ount retourn des brefs viegnent en eyde de findre les felouns a la requeste des seign's de Croces e des seriauns le Rey des dites Croces sur la greue forfeture le Rey ausi souent come par eaux serrount requis.

Capm. xij.

Et chescun seneschal de fraunchise q ad retourn des Brefe seit entendaunt a altre pur la pees meyntenir et de prendre les felouns demorauns en lour baillie pr felunie faite en altry franchise et deliurer les ditz felouns al Seneschal de la ffrauchise ou il sount enditetz. Et q chescun viescounte le Rey seit entendaunt a autry maundement de findre et de receuir les felouns le Rey aillours enditetz et de eaux sauuement garder taunt q il seyent delyures p lay de terre.

n. * Interlined.

[And that] in the case of those who alienate their land CHAP. VII. through a desire to go to war, it be done to them in ac-Alienations cordance with what is contained in the ordinances made at view to going Kilkenny. And that there be a parliament each year . . . Parliament times at least, in the place which seems best to the Justiciar each year. and the council [and] that all the great lords, prelates and others come thither on the penalty that attaches.

made with a to war.

And that no plea be pleaded in the Exchequer, save those CHAP. VIII. pleas which touch the King [and] the officers of the Exchequer, pleas in the from the first of August until St. Michael, and from the last Exchequer. Sunday in Lent until the close of Easter.

And that there be one measure and one weight throughout CHAP. IX. all Ireland, that is to say, wheat and other grain, [to be one measure measured by] the quarter of wheat of London, of eight pecks, weight through seven of which to be rased, and the eighth heaped; and of oats Ireland. fourteen pecks heaped. And that the bushels, gallons of wine and ale, and the other measures be in accordance with the King's standard throughout all Ireland.

And that no sheriff henceforth let any prisoner to mainprise, if he be not mainpernable by law, without the special com. No one to be mand of the Chief Justiciar, and whose does otherwise, that he unless mainbe punished at the King's will.

mainprised pernable by law.

And if any commit robbery or other felony in the Crosses, that the seneschals of liberties, who have the returning of Seneschals of liberties to writs, come to aid in capturing the felons, on request of the aid in capturlords of the Crosses, and the King's serjeants in the said the Crosses. Crosses, upon heavy punishment by the King, as often as they shall be requested by them.

CHAP. XI.

And that every seneschal of a liberty, who has the returning of writs, be intentive to another, for the maintenance of the Seneschals of peace, and apprehension of felons abiding in their bailiwicks, for aid in case of felony committed in the liberty of another, and for delivering the felons in said felons to the seneschal of the liberty wherein they are in-liberty. dicted. And that every of the King's sheriffs be intentive to the mandate addressed to another, in apprehending and receiving same way. the felous of the King elsewhere indicted, and in safely guarding the same, until they be delivered by the law of the land.

CHAP. XII. one liberty to

Capm. ziij.

Par quey vous comandons q cestes ordenaunces facez lire et puplier en chescune bone vile de vre baillie et celes sur la peyne q est done fermement tenir. Don de soutz nre gant seal Dirlaunde le xv iour de May lan de nre Regne susdit.

Capm. ziij. (recte ziiij) Et acorde est q si nule home viegne countre cestes ordeinaunces apertement, q meyntenaunt Lordenary du lieu ou ses comissaris les facent escomenger saunz de nulý estre chalenge.

Wherefore we command you that you cause these ordinances Char. XIII. to be read and published in every good town in your bailiwick, and the same to be strictly observed, under the penalty appointed. Given under our great seal of Ireland the 15th day of May, in the aforesaid year of our reign.

And it is agreed that if any man openly contravene these CHAP. XIII ordinances, the Ordinary of the place or his commissaries (recte XIV.) Ordinary to forthwith cause him to be excommunicated, without any excommunicate offenders.

14 EDWARD II. A.D. 1321.

[DE LEGE ANGLICANA DE VITA ET MEMBRIS IN HIBERNIA UTENDA.]

OF THE USE IN IRELAND OF THE ENGLISH LAW CONCERNING LIFE AND LIMBS.

Irish admitted to English law to use same concerning life and limbs.

The King to his Justiciar of Ireland, who now is and who for the time shall be, or to his lieutenant, greeting. Know ye that whereas in the time of the lord Edward of famous memory, formerly King of England, our father, and afterwards in our time, it has been frequently shewn to our said father and to us, with heavy complaint, that because the Irish admitted to English law in the said land did not previously enjoy the said law concerning life and limbs, our peace in the said regions was disturbed in many ways, and evil-doers there not being punished, were emboldened to commit divers felonies, to the grievous injury of our people of the said regions; and [whereas] at length in our Parliament summoned at Westminster in the octave of St-Michael last past, prayer was made to us that we should cause a remedy to be applied hereupon, we therefore, wishing to provide for the peace and quietness of our said people, will that all the Irish previously admitted to English law and those who hereafter shall happen to be admitted thereto, do use henceforth the said law concerning life and limbs, and by these presents we command that the Irish so admitted and to be admitted to the said law, as well within liberties as without, be treated according to the custom of the English, always saving in all things the right of us and of other lords, in the goods and chattels of the nativi who are commonly called in those regions betaghes, who may happen to be admitted to the said law, and of their issue, as regards the possession of those goods and chattels. witness whereof, &c. Witness the King at Westminster the twentieth

Saving lords' right in goods of betaghs.

By the King himself and by petition of the Council,

day of January. (To last for five years).

² The text taken from Patent Roll (Eng.), 14 Ed. II., pt. 2, m. 21, is printed in Prynne's Animadversions (1669), p. 263.

17 EDWARD II. A.D. 1323.

[ORDINATIO DE STATU TERRÆ HIBERNIÆ FACTA.]1

ORDINANCE MADE FOR THE STATE OF THE LAND OF IRELAND.

Edward by the grace of God, King of England, lord of Ireland, duke of Aquitaine, to all those who shall see or hear these present letters, Know ye that for the amendment of the government of our land of Ireland, for the greater peace and tranquility of our people in that land, at Nottingham in the octaves of St. Martin, in the seventeenth year of our reign, by assent of our Council there, the points below written were assented to and agreed on, to the end that they may be held and firmly kept in the same land.

I. Firstly, that the Justiciar of Ireland or any other our officer in Justiciar and that land, so long as they be in our offices there, shall not purchase land officers in Ireor tenement within the limits or bounds of their jurisdictions, without purchase land our special leave; and if any do the contrary, that which he shall have jurisdictions. purchased shall accrue and be forfeited to us and to our heirs, saving to the chief lords of the fee the services due and accustomed, of the lands and tenements so accruing and forfeited to us.

II. Also, that our Justiciar of Ireland or any of our other officers Not to take there, by pretext of their offices, shall not take victuals or other things against the will of any person against his will, except in case of necessity, for the common of any, except of necessity. profit of the land; and then that he do it by the advice and assent of the greater part of our Council in those parts, and by writ of our Chancery of Ireland, and in case that we or our heirs shall so command. by writ of our Chancery of England or by our other letters.

III. Also, that our said Justiciar or any of our other officers there, by Not to arrest pretext of their office, do not arrest ships or other goods of strangers, of strangers, &c. or of our own people, but that all merchants and others may carry corn and other victuals and merchandises out of our land of Ireland into our Merchants to realm of England and into our land of Wales, except in the case afore-said, psying the customs due and usual; provided always that to England; they make sufficient surety that they will not go unto or have dealings but to have no with our enemies of Scotland or with our other enemies, if any there dealings with Scotch or other

enemies.

¹ Text taken from Statute Roll (Engl.), 17 Edward II., m. 30, is printed in Statutes of the Realm, I., p. 193, and in Rymer's Fædera, Vol. II., part I., pp. 538-9.

be; and if any Justiciar or other officer do the contrary of the things aforesaid and thereof be attainted, that he make satisfaction to the plaintiff in double damages, and nevertheless be heavily punished on our behalf.

Fee for seal, &c., on bills of erace.

IV. Also, that for the seal of our Justiciar of Ireland for every bill of grace, four pence, and for the writing of every bill two pence be henceforth taken and paid, and no more.

Fee of Marshal of a prison.

V. Also, from him who is committed to prison by authority of our Court, when he shall be delivered, that four pence be taken for the fee of the Marshal, and no more. And if it happen that anyone contravene the things aforesaid and thereof be attainted at our suit or at the suit of the party, that he make satisfaction to the party and be heavily punished on our behalf.

Pardon for special man-date.

VI. Also, that no pardon of the suit of our peace for homicide remining or felony not to be or for other felony or protection for him who shall be arraigned or made without indicted of such felonies, be made or granted henceforth him arranged arr Justiciar of Ireland, nor sealed with our seal there, without special mandate of ourself under any of our seals of England; saying that our said Justiciar and our Chancellor of Ireland, with the advice of our Council of Ireland, may grant pardon of felonies committed before the date of these presents, according as they see it ought to be done for our honour and profit, and the peace and tranquillity of our people there, and according to the mandate which they have from us. Provided always that for the felonies which they shall commit henceforth, no pardon be made or protection be granted without special mandate of ourself, as is aforesaid.

Scaling original write.

VII. Also, that no original writ pleadable at the common law, be received by any of our officers without a writ, sealed under our great seal of Ireland, nor any process be made by other writ, save that by our seal of our Exchequer of Ireland; of things which concern that place, that it be done as by reason it ought to be, and according to what has heretofore been accustomed.

Adjournment of assise of Novel Disselsin.

VIII. Also, that our Justiciar of the said land by his writs or letters do not delay or adjourn an assise of Novel Disseisia before him, except in the county where he shall be present, and while he tarries in the same county.

In witness whereof we have caused these our letters to be made Given at Nottingham the 24th day of November, in the 17th year of our reign.

PATENT ROLL (ENGL.), 17 EDWARD II., Pt. 1, M. 3.

The King to his Chancellor of Ireland for the time being, greeting. Publication in Certain articles concerning us and the state of our land of Ireland and land of the of our officers there, by us ordained with the advice of our Council, we art.oles contained in the send to you under our seal in patent form, commanding that you cause mid ordinance. those articles to be enrolled in the rolls of our said Chancery, and the same to be exemplified under our seal of Ireland in patent form, and to be sent to our Justiciar of our said land, and to our Justices of the Bench at Dublin, and to our Treasurer and Barons of the Exchequer at Dublin, and to our other officers in the said land, where you shall see fit; commanding them and on our behalf strictly enjoining, that they cause all and singular the said articles to be published in their Places and jurisdictions, and as far as to them appertains, to be observed, according to the form of the said articles. And that the said Justices, Treasurer, and Barons likewise cause the same articles to be enrolled in their rolls. We will further and enjoin you, and command, that at the prayer and suit of any person, complaining of an attempt or attempts contrary to the said articles or to any one of them, as often as you shall be required, under our said seal of Ireland, as well for us as for such complainants, you make due and speedy remedy, so that you cannot be blamed for any default, indifference, or neglect. In witness, &c. Witness the King at Nottingham the 24th day of November.

[RED BOOK OF THE EXCHEQUER IN IRELAND, FOL. 33.]

EMOR]¹and q̃d qarto die Maii Anno Regni Rege Edwardi fit R. E. decimo septimo dūs [R.]¹mandauit Cancellar suo Hibn quedam statuta apud Lincoln e Ebor edita e ea in eadē [pu]²blicari e observari βcepit p bre quod sequit in h verba.

[E|2dwardus dei gra Rex Angt Dns Hibn & Dux Aquit Cancellar suo Hibn salim. [q] uedam statuta p nos de assensu Prelatoz Comitū Baroñ € côitatis regni ñri nup[ap]¹ud Lincoln 🛾 quedam alia statuta postmodu apud Ebor fca que in dca Pra ñra Hibñ ad coem vtilitatem populi ñri eiusdem Pre obseruari volum' vobis mittim' sub sigillo nro mandantes qd statuta illa in Cancellar nra custodiri ac in rotulis eiusdem Cancellar irrotulari e sub sigillo ñro quo vtimi in Hibñ in forma patenti exemplificari, * ad singlas placeas nras in Pra Bdca * singulos Comitat, eiusdem ere mitti faciatis p bria nra sub dčo sigillo ministis nris placeas illas & Vicecomitibs dčos Comitatuu mandantes qd statuta illa corā ipis publicari y ea in omibz * singlis suis articulis qentū ad eoz singlos ptinet firmi? fac obseruari. T. meißo apud Notingham xx die Novembr Anno r n decimo septimo.

p ip̃m Regem € consiliū.

E it remembered that on the fourth day of May in the 17th year of the reign of King Edward, son of King Edward, the lord the King sent to his Chancellor of Ireland certain statutes made at Lincoln and York, and ordered them to be published and observed in the same, by writ which follows in these words:

Edward by the grace of God, King of England, lord of Ire-writ commanding the land, and Duke of Aquitaine, to his Chancellor of Ireland, Statutes of Lipsch and greeting. We send you under our seal, certain statutes lately York to made by us, with the assent of the prelates, earls, barons, and Ireland commonalty of our Kingdom at Lincoln, and certain other statutes afterwards made at York, which we will to be observed in our said land of Ireland, for the common profit of our people of the said land, commanding that these statutes be preserved in our Chancery, and be enrolled in the rolls of the said Chancery, and be exemplified under our seal which we use in Ireland, in patent form, and that you cause them to be sent to our several places in the said land, and the several counties of the said land, by our writs under our said seal, to our officers of these places and the sheriffs of the said counties, commanding that these statutes be published before them, and that they cause them to be observed in all and singular their articles, as far as to each of them appertains. Witness myself at Nottingham the 20th day of November, in the 17th year of our reign.

By the King himself and the Council.

[RED BOOK OF THE EXCHEQUER IN IRELAND, FOL. 33.]
Statuta apud Lincoln.

UR ceo q nre seign le Roi Edward fis au Roi Edward a son plement a Nicole a la q'nzeme de la seint Hiller lan de son regne neuisme p demonstraunce des Prelatz Countes Barons * autros gentz du Roiaume somonus a cel plement p greuouses pleyntes del poeple entendi gentz damages estre faitz a luy & trop griefe oppssiouns & desheritaunces a son poeple p la reson q meintz suffisauncz viscountes gardeyns des Hundretz ount este auant ces houres & vncore sount en dit Roisume fire seign le Roi voillaunt escheure teux maux oppssions & desheritaunces del assent dez Blatz Contes & Barons & les gentz auantditz en son dit plement pruoit & establi q viscontes desoremes soient mis p le Chaunceller le Tresorer & les Barons del Escheker & p les Justices et en absence del Chaunceller le Tresorer Barons & Justices q nul ne soit visconte sil neit Pre soeffisanment en mesme le Countee ou il fra viscont pur respondre au Roi * au poeple * q nul q seit seneschalt ou Ballif de gent seign soit fait visconte sil ne oste de autre suise mes tiel q soit q de tutt puys entendre al office de visconte faire pr le Roi ou pr le poeple « q Chaunceller Tresorer Barons & Justices facent & mettent en la mafie auantdit saunz autr regarde auer. En mesme la mafie est acorde « establi q les Hundretz quel qil soient au Roi ou as autres soient gardez p gentz couenables eanz Pres sufficiance en mesme le Hundred ou en le Counte ou le Hundred fra, & si ascuns viscontes ou Hundreders soient a ceo meins suffisans soient tantost remuez & autres couenables mys en la fourme auantdit & q les Hundredz soient lessez & bailletz a teux gentz a renable feer issint qil ne coueigne pas qil facent extorsion sur le poeple pr trof vtrageouse ferme & q nul visconte ne Hundreder ne baille a autre son office a garder a ferme ne en autr mañe e q les execucions des Brefs q vendront as viscontes soient faites p les Hundrederes conuz « iures en plein Counte & nemye p autros sil ne soit en[gant]1 defaute ou notoire destourbance des Hundreders & adongs soient faites p autros [couena]2bles & iuretz issint q le poeple puisse sauoire a qi seure tels execucions sauue tous[iours]2 retorn des brefs a ceux q les ount * auer deuient.

¹ Obliterated.

STATUTES AT LINCOLN.

(Enacted in England, 9 EDWARD II., A.D. 1316.)

TORASMUCH as our lord King Edward, son to King Edward, at his parliament at Lincoln in the quinzaine of St. Hilary, in the ninth year of his reign, on the showing of the Prelates, Earls, Barons, and other magnates of the realm, summoned to that parliament, on the grievous complaints of the people, perceived great damage to be done to him. and very grievous oppressions and disherisons to his people, by reason that insufficient sheriffs [and] wardens of hundreds have heretofore been, and yet are, in the said realm; our lord the King, desiring to prevent such evil oppressions and disherisons, by the assent of the Prelates, Earls, and Barons, and the magnates aforesaid, provided and established in his said parliament, that sheriffs from henceforth Sheriffs to be be appointed by the Chancellor, the Treasurer, and the Barons appointed in the Exchequer. of the Exchequer, and by the Justices; and in the absence of the Chancellor, by the Treasurer, Barons, and Justices: and that none be who shall be sheriff, if he have not sufficient land in the same county where he shall sheriffs, and of be sheriff, to answer to the King and the people; and that no one they shall be who is seneschal or bailiff to a great lord be made sheriff, except he be removed from the other service, but that he be such a one as can wholly attend to the execution of the office of sheriff, to do for the King or for the people; and that the Chancellor, Treasurer, Barons, and Justices do and assign in manner aforesaid, without having any other regard. And in like manner it is agreed and established, that the hundreds Who shall whether they belong to the King or to others, be guarded by suit- have the guarding of able persons, who have sufficient lands within the same hundred, or in hundreds. the county where the hundred shall be; and if any sheriffs or hundreders be insufficient therefor, that they be presently removed, and other suitable persons appointed in form aforesaid, and that the hundreds may be leased and committed to such persons at a reasonable rent, so that be farmed they be under no necessity to practice extortion on the people, by reason of too excessive a rent. And that no sheriff or hundreder lease his office to any other, to hold in farm or otherwise; and that the executions of writs that shall come to the sheriffs be made Execution of by the hundreders recognised and sworn in full county court, write by the and not by others, unless it be in case of a serious default or notorious disturbance of the hundreders; and then that they be made by other suitable persons and sworn, so that the people may know to whom to sue such executions; saving always the return of writs to those that have, or ought to have them.

[RED BOOK OF THE EXCHEQUER IN IRELAND, FOL. 34.]
Statuta apud Ebor edita.

UR ceo q plusurs gentz du Roialme Dengle?re 🕫 de la Pre Dirlaunde ount einz ces [hou]1res souentefoitz suffert meschiefs & desheritesons p encheson de ceo q en ascun cas ou defaute de lei fust remedie ne fust ordeine * aussint pur ceo q ascuns poyntz des estatus auant faitz auoient mestier desclarissement. Nostre seign^r le Roi Edward fuitz au Roi Edward desiraunt plener droit estre fait a son poeple a son plement a Effwyk as trois simoignes de seint Michel Lan de son regne duzisme p assent des Prelatz, Countes, Barons & la Coaute de son roialme illogs assemblez fist les establissementz * les estatus q sensuient les queux il voet qe en le dit roislme e en la dite fre soient fermement tenuz. En pimes pr diffses meschiefs qe ount este de ceo q les tenantz en assises de nouele disseisine ne poeint auant ces houres fere attornez, acorde est q les tenantz en brefs de nouele disseisine desore puissent faire Et nentent mie le Roi p tant q les tenantz & les defendantz en assises de nouelle disseisine ne puissent pleder p Baillif come auant soleient sil voillent. Et ensement acorde est qu qant chartre quiteclamance acquitance ou autre escript soit dedit en la Court le Roi en queux soient testmoignes nomez soit pres fait de fere venir les testmoignes come auant ad este vseez issint q sil ne veignent a la graunt destresce sur eux retournez ou qe ret'nez soit, qil ne ount rien ou ne sount trouez q adonk ne soit lesse la prise de lenqueste p absence des tieux testmoignes. Et si les tesmoignes veignent p la gent destresce « lenqueste p ascune enchesoun remeigne a prendre soit mesmes le iour done a ceux testmoignes qu issint vendront quete done a lenqueste findre. A queu iour si tieux tesmoignes ne veignent, soient lour issues s' eux primes retourneez forfaitz e la prise de lenqueste ne remaigne p lour absence. Et pur absence des testmoigns qu sount des ffraunchises ou bref le Roi original ne court mie ne soit la prise de tiel enqueste lessee. Et come il soit contenu en lestatut fait a Westm le secund iour de Auerili lan du regne

STATUTES MADE AT YORK.

(Enacted in England, 12 EDWARD II., A.D. 1318.)

ORASMUCH as many people of the realm of England and of the land of Ireland have heretofore often times suffered mischiefs and disherisons, by reason that in some cases where the law failed, no remedy was ordained; and also forasmuch as some points of the statutes heretofore made had need of explanation; our lord King Edward. son to King Edward, desiring that full right be done to his people. in his parliament at York, in three weeks of Saint Michael, the twelfth year of his reign, by the assent of the Prelates, Earls, Barons, and the commonalty of his realm there assembled, ordained the acts and the statutes here following, the which he wills to be firmly observed in the said realm and in the said land.

I. First, for divers mischiefs that have arisen, because tenants in Tenants in assises of Novel Disseisia could not heretofore make attorneys; it is may make agreed that the tenants in writs of Novel Disseisin from henceforth attorneys. may make attorneys. Yet the King does not intend hereby that the tenants and defendants in assises of Novel Disseisin be not able to plead Pleading by by a bailiff, if they will, as they have used to do heretofore.

II. Also it is agreed, that when a charter, quit-claim, acquittance, or Inquests not to other writing is denied in the King's Court, wherein witnesses are ab named, process be made to cause the witnesses to come as before deeds. has been used; so that if they come not at the great distress on them returned, or that it be returned that they have nothing, or that they cannot be found, that then the taking of the inquest be not delayed by the absence of such witnesses. And if the witnesses come by the great distress, and the inquest for some cause remains to be taken, that the same day be given to those witnesses who shall so come, as is given for the taking of the inquest. At which day, if such witnesses come not, that their issues that were first returned upon them be forfeited; and the taking of the inquest be not deferred because of their absence. And by reason of the absence of witnesses that belong to franchises, where the King's original writ does not run, that the taking of such inquest be not delayed.

be delayed by absence of

III. And whereas it is contained in the statute made at Westminster Inquests dete the second day of April, in the 27th year of the reign of Edward, father Benches may be taken in the

country.

Edward piere nre seign le Roi que ore est vint septimo que les enquestes & les conissaunces deuant Justices del vn baunck & de lautre a iugez fuissent prises deuant ascun des Justices des places associez a luy vn Chiualler du Countee ou les enquestes groient a prendre si les enquestes ne fuissent de gent examinement & qe en tiels enquestes pndre fust fait sicom les Justices verroient q fust a fere au pfit du roialme le quel estatut ad bosoigne destre mous [declare.]1 Acorde est qe les enquestes * Jureetz qe sount * frount aprendre en pleez de Pro[qe ne so]'nt mye de gent examinement soient prises en pays deuant vne Justice de la place [ou le p]lee est associez a luy vn pdhome du pais chiualler ou autre issint qe étein iour [seit d] one en Banck & Etein iour & leu en pays en Bsence des pties si le demaundant le prie. [Et]1 auxi les enquestes & Jurets en plee de Pre q demaundent gent examinement soient [pris]les en pais en la fourme susdite deuant deux Justices du Baunk & eit la Justice ou [les]1 Justices poer a recorder nounsutes e defautes en pays as iours e lieus q front assignez come desus est dit. Et ceo qil affont fait en les choses susdites, soit reporte en Baunk au iour done & illogs enrolle e sur ceo iugement rendu. Et nentent mie le Roi qes les dites enquestes e Jurets ne puissent estre prises en Bank si eles viengent ne qu cest estatut sestent a graunt assises. Et auxi vne Justice del vn Baunk e de lautre associe a luy vn pdhome du pais chiualer ou autre a la requeste du pleintif preigne les enquestes des pleez pledeez * a pleder qe sount meuez p attachementz & destresces. Et eit poer de recorder les nounsutes come desus est dit, & findre les enquestes p defautes illoqes faites. Et qant a les assises de drein Bsent e les enquestes s' bref de quare impedit prendre, soit fait come il est contenuz en le secound estatut de Westm. Et eit la Justice poer de recorder nounsutes « defautes en pais « s' ceo iugement doner come en Baunk e seit reporte en Baunk ceo qil affa fait & illoqs soit enroule. Et si issint aueigne qe le Justices ou la Justice qu frount ou fra assigne de findre tieles enquestes en pais ne veignent pas ou ne veigne en pais au iour

¹ Torn.

of our lord the King that now is, that inquests and recognitions adjudged before Justices of the one Bench and of the other, for judgment, should be taken before any of the Justices of the Places, there being associated with him a knight of the county where the inquests should happen to be taken, if the inquests should not demand great examination; and that in taking such inquests the Justices do as they see most expedient for the profit of the realm; which statute has need of being more fully declared. It is agreed that inquests and juries that are and shall have to be taken in pleas of land, that require not great examination, be taken in the country before a Justice of the Place where the plea is, there being associated with him a substantial man of the country, knight or other, so that a certain day be given in the Bench, and a certain day and place in the country, in the presence of the parties, if the demandant request it.

And also that the inquests and juries, in pleas of land that require great examination, be taken in the country, in the manner abovesaid, before two Justices of the Bench.

IV. And that the Justice or Justices have power to record non- Justices in suits and defaults in the country, at the days and places which shall may record be assigned, as before is said. And what they shall have done in the faults, do. things above-mentioned, be reported in the Bench on the appointed day, and there inrolled, and thereupon judgment be given. the King does not intend that the said inquests and juries should not be taken in the Bench, if they come, nor that this statute should extend to great assises. And also that a Justice of the one Bench and of the other, having associated with him a substantial man of the country, knight or other, at the request of the plaintiff, take inquests of pleas pleaded and to be pleaded, that are moved by attachments and distresses; and have power to record nonsuits as above is said, and to take the inquests by defaults there made. And as to taking assises of Darrein Presentment and the inquests upon writ of Quare Impedit, Assisos of Darthat it be done as is contained in the Statute of Westminster the second. ment, &c. And that the Justices have power to record nonsuits and defaults in the country, and to give judgment thereupon, as in the Bench, and what they shall have done be reported in the Bench, and there be inrolled. And if it happen, that the Justices or Justice that shall be assigned to take such inquests in the country, come not into the country at the day assigned, yet that the parties and the persons of the inquests keep their day in the Bench.

assigne, iadumeins les pties e les gentz de lenqueste gardent lour iour en Baunk. Et pr ceo q souenere pleinte ad este faite en la Court le Roi qe les returns qe Baillifs des ffraunchises qu ount plein return des Brefs le Roi ount lissez as viscountes apres ount este chaungez & en autre mafie retournez en la Court le Roi a gant damage des ascuns des pties & en deleiaunce de droitture. Acorde est qu des retinez qu desore se ferrount as viscountes p Baillifs des tieles ffraunchises, soit fait endent^re plenere entre le Baillif de la ffraunchise nome p son ppre noune & le viscount nome p son ppre nomz. nul viscounte chaunge retourn issint liflez a lui p endentre e de ceo soit atteint a la suite le seign' de la ffraunchise dount il affa tiel retourn receu si le seign' affa damage encoru ou sa ffraunchise soit enblemie a la suite de la ptie qu affa damage encoru p cele encheson, soit puni desis le Roi come de faus return * rende au seign' * a la ptie damage a double. Aussint est acorde que desore viscontes e autres Baillifs que receiuent brefs le Roi Retournables en sa Court mettent [leur]1 ppres nounes od lour retourns issint qe la Court puisse sauoire a qi andre des tieux retourns si mestier soit. Et nul visconte ou autre baillif en ses returns entrelesse son noun, soit greuement amerciez al oeps le Roi. Ensement pr comun pfit du poeple acorde est q nul Ministre en Cite ne en Burgh qi p reson de [son]¹ office dait garder assises des vins € de vitailles tant come il gra entend[daunt] a tiel office, ne Marchaunt des vins ne des vitalles en gros ne en retaile. [Et si]2 nul face & de ceo attaint la Marchaundie dount il fra atteint soit forfaite [au Roi]² * la tierce ptie * la tierce ptie³ soit life come de doun le Roi a celui a qi sui[te le tres]2passour \$ra issint atteint. Et en ceu cas soit resceu celuy qi voudra suire pr [tieu]2 chose Et Chaunceller, Tresorer, Barons del Escheqer Justices [del un]² Baunk & de lautre & Justices assignes as assises andre receivent tieux pleint[es] p bref & sauns bref & les éminent e pfacent totes les choses contenuz en [cest]2 article en la fourme auantdite. Et iadumeyns puit le Roi assigner ses Justices a ceste chose pfaire en Citez e en Bourghes quant & la ou il plerra &c.

² Torn.

¹Obliterated.

^{*} Words repeated in MS.

V. And whereas frequent complaint has been made in the King's Returns in court that the returns, which bailiffs of franchises, that have full be made by return of the King's writs, have delivered to Sheriffs have been afterwards changed, and in other manner, returned into the King's court, to balliff and the shoriff. the great damage of some of the parties and in delay of right; it is agreed that of returns which hereafter shall be made to the Sheriffs by bailiffs of such franchises, full indenture be made between the bailiff of the franchise named by his proper name, and the Sheriff by his proper name. And if any Sheriff change the return so delivered to him by indenture, and be thereof attainted, at the suit of the lord of the franchise, whereout he shall have received such return, if the lord shall have incurred any loss, or his franchise be impaired, at the suit of the party that shall have sustained loss through that cause, that he be punished towards the King for the false return, and yield to the lord and to the party double damages. Also it is agreed, that from henceforth Sheriffs and other bailiffs who receive the King's writs Sheriffs and returnable in his court, put their own names to their returns, their names to so that the court may know who are answerable for such returns, their returns, if need be. And if any Sheriff or other bailiff leave out his name in his returns, that he be heavily amerced to the King's use.

VI. Also for the common profit of the people, it is agreed, that no No officer officer in city or in burgh, who by reason of his office ought to keep of wines and assises of wines and victuals, so long as he shall be employed in such traffic therein office, traffic in wines or victuals, either in gross or by retail during office. And if any do so and be thereof attainted, the merchandise whereof he shall be attainted be forfeit to the King, and that the third part thereof be delivered as the King's gift to the party at whose suit the offender shall be so attainted. And in such case, he shall be received who shall be willing to sue to obtain such thing. And that the Chancellor, Treasurer, Barons of the Exchequer, Justices of the one Bench and of the other, and Justices assigned to take assises, receive such plaints by writ, and without writ, and determine them, and perform all things contained in this article in form abovesaid. And nevertheless the King may assign his Justices to execute this thing in cities and in burghs, when and where he shall please, &c.

[CLOSE ROLL, 18 EDWARD II., m. 2 f. art. 12.]

CORDE est empris e assentu p les platz Countes Barouns e tot le comun poeple en pleyn plement¹ a Dyuelyn al mois de Pask en lan du regne ñre seign le Roy Edward fitz au Roy Edward dize septime en Bsence de la Justice Chaunceller Tresorer e tous les autres du consail ñre seign^r le Roy en Irlaunde q la cômune ley les ordynaunces de Dyuelyn oue les bones vsages de la fre soient teuus e meyntenuz en chescun de lour pointz. E en amendement de dites choses les dites Countes Barouns e les autres gauntz de Lynnage en pleisaunce de dieu seint Esglise nre seign'r le Roy e du comun poeple vnt gaunte a empris taunt q au pschein plement q eaux solome lour poer pindront e ferount prendre les felours robeours e larours de lour braunche e sournour e lour aherdauncez saunz lour frementz offendre en lu de Marche e tous autres felouns * maufesours notories q srount trouez * receptez en lour seign'yes en Pre de pees a lour ppres custages e dedenz lour Countes ou ilz puissent les ditz felouns * maufesours trouer e pndre sauns pil de lour corps ou custages mettre e ceaux q ensuit frount prises amenerount ou ferrount amener a la Courte nre seign' le Roy Justisables salue lestat des seign's des franchises en resoun. E prient les ditz Countes e gauntz qilz puissent estre assoutz de la sentence done a Kilkenn pour touz trespaces en fourme d[u] seint Esglise du temps passe e q le renoueler de cele sentence soit respite tauntq al pschein plement quele priere p tous les plats Justice e les autres du consail lour est gaunte. teismoignaunce de queles choses monfr Richard de Bourk Count Duluester, monfr Thomas le fitz Johan Count de Kildare, monfr Johan de Bermyngham Count de Loueth, monfr Morice le

^{&#}x27;The statutes onacted in this Parliament were confirmed in a later one, held in Kilkenny. 19 Edward II.

T is agreed, undertaken, and assented to by the prelates earls, barons and all the common people, in full parliament at Dublin in the month of Easter, in the seventeenth year of the reign of our lord King Edward, son of King Edward, in the presence of the Justiciar, Chancellor, Treasurer, and all the others of the Council of our lord the King in Ireland, that the common law, the ordinances of Dublin, with the good usages of Common law. the land, be held and maintained in every of their points. for amendment of the said matters, the said earls, barons, and land to be the other grandees of lineage, to please God, Holy Church, our lord the King, and the common people, have granted and under- Grandees undertake to taken that until the next parliament, according to their power, of their own they will take and cause to be taken, the felons, robbers and family and adherents, in thieves of their own family and surname, and their adherents, and the without breaking their oaths, in the territory of the March, marches. and all other felons and notorious evildoers, who shall be found and received in their lordships, in land of peace, at their own charges, and within their counties, where they can find and take the said felons and evildoers, without incurring peril of their bodies or costs, and those who shall afterwards be taken, they shall bring or cause to be brought to the courts of our lord the King, to be amenable to justice, saving in reason the estate of the lords of franchises. And the said earls and grandees pray And pray absothat they may be absolved from the sentence pronounced at sentence pro-Kilkenny in form of Holy Church, for all trespasses in time Kilkenny, past, and that the renewal of that sentence be delayed until the next parliament, which prayer is granted them by all the prelates, the justices, and the others of the Council. whereof, sir Richard de Bourk, earl of Ulster, sir Thomas son of John, earl of Kildare, sir John de Bermyngham, earl of Louth, sir Morice the son of Thomas, sir John de

And ordinances of Dublin and maintained.

fitz Thomas, monf^r Johan de Barry, monf^r Johan le Poer de Dunoyle, monf^r Arnald le Poer, monf^r Thomas le Botiller, monf^r Richard de Tuyt, monf^r Nichot de verdun, monf^r Morice de Rochefort, monf^r Reymound Lercedekne, monf^r Thomas de Dene, monf^r Richard le Waleys, monf^r Robt fitz Matheu de Caunteton, George de la Roche, Dauy le fitz Alisaundre de la Roche, a la partie de ceste endenture demoraunt detis nre seign^r le Roy vnt mis lour seals e a la ptie demoraunt detis les ditz gauntz nre seign^r le Roy ad mis son seal. Don a Dyuelyn le iour e lan auauntditz.

Barry, sir John le Poer of Dunoyle, sir Arnald le Poer, sir Thomas le Botiller, sir Richard de Tuyt, sir Nicholas de Verdun, sir Morice de Rochefort, sir Reymund the archdeacon, sir Thomas de Dene, sir Richard le Waleys, sir Robert son of Matthew de Caunteton, George de la Roche, Davy the son of Alexander de la Roche, to the part of this indenture remaining with our lord the King have put their seals, and to the part remaining with the said grandees, our lord the King has put his scal. Given at Dublin the day and year aforesaid.

19 EDWARD II. A.D. 1325. [Close Roll, 20 Edward II., art. 167.] STATUTUM DE HIBERNIA.

DWARD par la grace dieu Roi Denglete Seign' Dyrlaunde & Ducs Daquitaigne as Erceuesqs Euesqes Abbes Priours Countes Barouns Justices Viscountes Prouestes Ministres * as tous ses bailife * foialx salutz. Come nad gaires as Oicctaues da la Purificacon nre dame lan de nre regne tierz a nre plement somonis & tenus adunqes a Kilkenny feussent ascunes ordinaunces & estatus faitz par lassent de Johan Wogan ñre Justice & les autres de ñre counseil adongs en ñre Fre Dirlaunde & lassent de Erceuesqs Euesqs Countes Barouns e les autres de la comunalte de nre dite Pre Dirlaunde illoegs esteauns. Et au moys de Pasce lan de nre regne tredzime feusent ensement autres ordinaunces ₹ estatutz a ñre plement adongs tenus a Diuelyn faitz p lassent de Roger de Mortimer nre Justice & les autres de nre counseil adongs en nre Pre Dirlaunde auaundite. Et lassent des Erceuesqs Euesqs Countes * Barouns * les autres de la comunaltez de nre dite Pre Dirlaunde adongs illoeges esteiauntz al hon de dieus e de seint Eglise al pfist de nre poeple * meintiegnaunce de nre pees de fire dite fre Dirlaunde as tous iours a tenir * a durer. Et al nre plement tenus a Dyuelin al mois de Pasche lan de ñre regne dis * septisme p lassent de Johan de Arcy ñre Justice e les autres de nre counseil adonqs en meisme nre fre Dirlaunde e lassent des Erceuesqes Euesqs Countes baros e les autres de la comunalte de nre dite Pre Dirlaunde adongs illoeqs esteiauntz feussunt ascunes ordinaunces faites a tenir * a durer tanq au plement donqs pchein siwaunt puis a nre plement tenus a Kilkenny a la quinzeiyne de la natiuete seint Johan le baptist lan de nre regne dis « noefuisme q feu le pchein plement tenus abs, par lassent del dit Johan de Arcy nre Justice Dirlaunde & les autres de nre counceil adonges en ñre dite fre Dirlaunde & lassent des Erceuesqs Euesqs Abbes

19 EDWARD II. A.D. 1325. STATUTE OF IRELAND.

DWARD by the grace of God, king of England, lord of Ireland and duke of Aquitaine, to the archbishops, bishops, abbots, priors, earls, barons, justices, sheriffs, provosts, ministers, and to all his bailiffs and faithful people, greeting: Whereas lately in the octaves of the Purification of Our Lady in the third year of our reign, at our parliament summoned and Parliament then held at Kilkenny, certain ordinances and statutes 3 Edw. II. were made, by the assent of John Wogan our Justiciar, and the others of our council then in our land of Ireland, and by the assent of the archbishops, bishops, earls, barons and the others of the commonalty of our said land of Ireland there being. And in the month of Easter in the thirteenth year of our reign, were also other ordinances and statutes made in our parlia-Parliament ment then held at Dublin, by the assent of Roger de 13 Edw. II. Mortimer, our Justiciar, and the others of our council then in our land of Ireland aforesaid, and the assent of the archbishops, bishops, earls and barons and the others of the commonalty of our said land of Ireland, then there being, to the honour of God and of Holy Church, for the benefit of our people and main. tenance of our peace of our said land of Ireland, to hold and endure for ever. And in our parliament held at Dublin in the Parliament, month of Easter, in the seventeenth year of our reign, by the at Dublin, 17 Edw. II. assent of John de Arcy, our Justiciar, and the others of our council then in the same our land of Ireland, and the assent of the archbishops, bishops, earls, barons and the others of the commonalty of our said land of Ireland, then there being, certain ordinances were made, to hold and endure until the parliament then next ensuing. Afterwards at our parliament held at Kilkenny in the quinzaine of the nativity of Saint Parliament John the Baptist, in the nineteenth year of our reign, which 19 Edw. II. was the next parliament afterwards held, by the assent of the said John de Arcy, our Justiciar of Ireland, and the others of our council then in our said land of Ireland, and the assent of the archbishops, bishops, abbots, priors, earls and barons and

Priours Countes & Barouns & les autres de la comunalte de nre dite Pre Dirlaunde adongs illoegs esteiauntz grauntez furunt ordeignez & establiz tous les pointz souzescripts. Cest assauoir q touz les estatutz e ordeignaunces faitz en les plementz susditez soient tenus gardez * meyntenuz en tous lurs pointz en ñre dite ere Dirlaunde a durer a tous iours. Auxi bien celes ordeignaunces q furunt ordinez a nre dit plement tenus a Dyuelin au mois de Pasches lan de ñre regne dis septisme a durer tanq a nre plement pchein siwaunt come Et come en les ditz parlementz ordeine soit q chescune Cheueuteigne de gaunt lyneage castie ceaux de seon lyneage € de soen s'noun € ceuax de soen lyneage € de soen s'noun q trespassent encountre nre pees & tous larouns robbeours felouns meffeisours notoires * toutz lurs aherdantz gen sa seigrie serrunt troue & recette en fre de pees findra et rendra iustizables a ñre Court solum la forme en les ditz ordeignaunces estatutz contenuez. Et en meisme les ordeignaunces * estatus ne soit ordeine punicioun sur les cheueuteyns q ceo ne fount ordinez est e etabli q chescun cheueutevin q ceo ne fra ou tut son poer soit reint a nre volunte as touts les foitz q il gra de ceo atteint. Estre ceo ordine est assentu & establi q nul hume veigne desoremes arme ne afforciement en les villes ou nous nos heirs ou nos Justic tendrount nos gefiaulxs plementz, meis en venaunt della meisme le villes veigunt armez & auxi fortz pr sauuacionn de lur corps saunz vilenie mal ou damage faire, come il verrount qil serra a faire. Et nous les auauntditez estatus e ordeignaunces issint al honour de dieu e de seint eglise e au comu pfit de nre poeple * meintenaunce de nre pees en nre dite fre Dirlaunde faitz & ordinees acceptoms ratephioms pur nous * nos heirs * les confermoms a durer pur touz iours. En tesmoignaunce de qele chose cestez nos lettres auoms faitz faire patentes de fire seal q nous vsoms en Irlaunde ensealees. Doneez en nre plein plement a Kilkenny le xiº iour de Juyl lan de ñre Regne dis * noefisme.

the others of the commonalty of our said land of Ireland, then there being, were granted, ordained and established all the Statutes, &c., points underwritten, to wit, that all the statutes and or the above to dinances made in the aforesaid parliaments be held, kept be observed. and maintained in all their points in our said land of Ireland. to endure for ever, as well those ordinances that were ordained in our said parliament held at Dublin in the month of Easter, in the seventeenth year of our reign, to continue until our next ensuing parliament, as the others. And whereas in the said parliaments it was ordained that every chieftain of great lineage should chastise those of his own family and of his own surname, and those of his own family and surname who trespass against our peace, and all thieves, robbers, felons, notorious malefactors, and all their adherents, who should be found and received in his lordship, in land of peace, he shall take and render amenable to justice at our Court, according to the form in the said ordinances [and] statutes contained. And [as] in the same ordinances and statutes there be no punishment ordained against the chieftains who do not so, it is ordained and established that every chieftain who will not act so with Penalty on all his power, be fined at our will every time that he chastising shall be thereof attainted. Further it is ordained, agreed and evildoers of their own established that no man from henceforth come armed or family. in force into the towns where we, our heirs or our Justiciar are holding our general parliaments, but in coming towards the said towns, they may come armed and as strong as they may see necessary to do for the defence of their bodies, without doing wrong, injury or damage.

And we, the aforesaid statutes and ordinances, so to the honour of God and of Holy Church, and to the common benefit of our people, and maintenance of our peace in our said land of Ireland, made and ordained, do accept, ratify, for us and our heirs, and confirm them, to endure for ever. whereof we have caused these our letters to be made patents, sealed with our seal that we use in Ireland. Given in our full parliament at Kilkenny, the 11th day of July, in the nincteenth year of our reign.

[LIBER ALBUS OF THE CORPORATION OF DUBLIN, fol. 42d.]

ES sunt les ordeinaunces de lestaple Denglere Irlaund e Gales fetes en temps le Rey Edward fitz le Rey Edward lan de son regne diz e Nefime.

The estatute of the estaples, &c.

Edward p la gace dieu Roy Dengle re seignur Dirlaund & Ducs Daquitainge au Meir de sa Cite de Diuelyn salutz. No vo maundo fermemt enioinauntz q les choses de south escrites, ordeine p no e me conseil pur comun pfit e esement du poeple de tut me Roislme & poer facez crier e publier & fermemt tenir e garder en me Cite auantdite et p tut en ve baillie.

Staple Citties and townes, &c.

I.—Primes qe lestaple des Marchauntz e des Marchaundises Dengle?re Irlaund & Gales nomemt des leyns quyrs peaux lanuz e desteym seit tenus en meismes les ?res & nule pt aillours e ceo en les lieux desuthditz cest a sauoir a Noefchastel sur Tyne, Euerwyk, Norwicz, Loundres, Wyncestre, Exestre e Bristuyt pur Engle?re, Diuelyn, Drogheda e Cork pur Irlaund, Salopesbur kermdyn e kerdif pur Gales. E pur lesteym de Cornewayle a Lostwythiel & a Treureu. E pr lesteym de Deuenschire a Ayspton, e non pas aillors en Engle?r Irlaund ou Gales.

Et qe totes gentz aliens puissent illoeqes « non pas aillours

Engleff Irlaund ou Gales funchemt achater e quere Leyns
quyrs e peaus e aufrs marchaundises e a Ayspton Lostwythiel
Treureu esteym e ne pas aillors e quel eure qils eient
achatez lur marchaundises as ditz lieus e en la forme susdite
e paie lour custumes e eient sur ceo fres seales du seal du
coket, puissent les dites leyns quyrs peaus esteym e autres
Marchaundises mener ē quele fre qe eux voillent si ceo ne seit
en fre qe seit en gerre ou en enemite defis no? ou ne Roialme.
Et qe les Marchauntz estaunges seient de ceo garniz.

THESE are the ordinances of the staple of England, Ireland, and Wales, made in the time of the king Edward son of King Edward, in the nineteenth year of his reign.

Edward, by the grace of God, king of England, lord of Ireland and duke of Aquitaine, to the mayor of his city of Dublin, greeting. We command you, firmly enjoining, that the things under written, ordained by us and our Council for the common profit and relief of the people of the whole of our realm and jurisdiction, you cause to be proclaimed and published, and firmly kept and observed in our city aforesaid, and by everyone in your bailiwick.

First that the staple of the merchants and the merchandises of England, Ireland and Wales, namely of wools, hides, wool fells Staple for and of tin, be held in the said lands and not elsewhere, and that held in in the places under-mentioned, that is to say, at Newcastle-on-Dublin, Drogheda, and Tyne, York, Norwich, London, Winchester, Exeter and Bristol Cork. for England; Dublin, Drogheda and Cork for Ireland; Shrewsbury, Carmarthen and Cardiff for Wales. And for the tin of Cornwall at Lostwithiel and at Truro. And for the tin of Devonshire at Ashburton, and not elsewhere in England, Ireland or Wales.

And that all aliens may there and not elsewhere in England, Aliens may Ireland or Wales, freely buy and obtain wools, hides and skins wools, &c., and other merchandiscs, and at Ashburton, Lostwithiel and Truro, tin, and not elsewhere; and when they have bought their merchandises at the said places and in the aforesaid form, and paid their customs and have thereupon letters sealed with the seal of the cocket, they may carry and carry the said wools, hides, skins, tin and other merchandises into them anywhere on whatever land they please, if it be not in a land which is at payment of war or in enmity against us or our realm. And that merchant strangers be warned hereof.

II.—E qe nul alien p luy ne p autre pivemt ne aptemt poesse p aillo^rs achatre leyns ou autres Marchaundisez susdites fors qe as ditz lieux sur forfetture des leyns e autrez Marchandisez susdits qil adont issint achatez.

E qe les Marchauntz Dengle[§]re Irlaund e gales qe voillent mener leyns quyrs peaus ou esteym hors des estaples p aillours a vendre ne les puissent pas mener des estaples hors de ñre poer taunt qe il eient demores qⁱnze io⁵s as ascune des estaples a vendre e des adonqes aillent oue les dites Marchaundises la ou ils voillent saunz estaple faire ou tenir nule parte hors hors¹ des dites [§]res ne denz les dites [§]res aillo⁵s qe as lieus desuthdites.

III.—Et qe totes gentz Dengierre Irlaund e Gales puissent leyns e totes autres Marchaundises vendre e achater quele part quis vodrount en les dites res issint qe la vente ne se face mye as aliens forsqe a lestaple. E qe leyns quirs peaux e esteym ne seient nule part menez hors des dites res par aliens ne densez forsqe des estaples auantditz.

IV.—E qe les Marchauntz de ñre poere ne facent entre eaux conspiracie ne cōfederacŏn p^r amenuser le p^{is} des leyns ou de autrez Marchaundises susdites ne pur delaier Marchauntz estaunges en lachate ou vente de lo^r Marchaundises e ceux qe le ferrount e de ceo puissent estre atteintz, seint greuousement puniz solome le ordeinement de no[°] e de ñre bon conseil. E qe chescun seit resceu pur no[°] qe suyre vodra pur tiels atteindre, e punir e seit tiele suyte faite deuaunt nos chiefs Justices ou autres qi no[°] vodroms a ceo assigner, e nemye aillours. E qe les Marchauntz e les gentz de Gascoyne e de la duschec de Guyenne qi isount ore, ou pur temps grount de la foi e lobbeissauns de no[°] e de ñre fitz e heir seient tenus denseins e non pas aliens en totes cestes bosoignes.

V.--E qe tous Marchauntz piuez e esteunges seient demenes a la ley Marchaunde en totes choses qe touche Marchaundise faite as lieus de Estaples.

Word repeated in MS.

And that no alien by himself or by another privily or openly may purchase elsewhere, wools or other merchandises aforesaid, No alien may purchase elseexcept at the said places, upon forfeiture of the wools and other where on merchandises aforesaid, which they shall have so purchased.

penalty.

And that the merchants of England, Ireland and Wales, who Articles of wish to carry wools, hides, skins or tin away from the staples to be carried to sell elsewhere, may not carry them away from the staples out of the out of our jurisdiction, until they have tarried fifteen days at until merany of the staples to sell them, and then they may go with the chants tarry said merchandises where they will, without making or holding of the staples. staple in any part without the said lands, or within the said lands, elsewhere than at the places aforesaid.

And that all men of England, Ireland and Wales, may sell III.
Sales to aliens, and buy wools and all other merchandises at any place they only at the wish in the said lands, provided that the sale be not made to staples. aliens, except at the staple. And that wools, hides, skins and tin be not in any part carried out of the said lands by aliens or denizens, except from the staples aforesaid.

And that the merchants of our jurisdiction make not

among themselves a conspiracy or compact, to lessen the price Merchants not to conspire of the wools or of other merchandises aforesaid, nor to delay to lessen price merchant strangers in the purchase or sale of their merchandises, penalty. and that those who do so and thereof can be convicted, be heavily punished, according to the ordinance of us and of our good council. And that every one be accepted on our behalf, who is willing to sue for the conviction and punishment of such, and that such suit be made before our Chief Justices or others whom we will to assign hereto, and not elsewhere. And that the merchants and the men of Gascony and of the duchy of Men of Gas-Guienne, who now are or for the time shall be, of our fealty Guienne to be and allegiance, or of that of our son and heir, be held as held denizens. denizens and not as aliens in all these businesses.

And that all merchants, native and strangers, be governed V.

Merchants to by the law merchant in all things which affect merchandise, be governed by the law transacted at the places of the staples.

merchant.

VI.—E qe nul home ne feme de Burgh ne de Cite ne la coe des gentz hors de Burgh ou de Cite en Engle re Irlaunde ou Gales aßs noel pchein a venir vsent drap de lour achate demein qe sra achate aßs la dite feste de Noel, si ceo ne seit drap fete en Engle re Irlaund ou Gales sur gref forfeture e punissemt sicome no p ñre bon conseil vodroums sur ceo ordenier. E fait a sauer qe totes gentz srount entenduz de la coe en ceo cas hors pis Rei e Reigne Countes e Barouns Chiualers e dames e lour enfauntz Neez despouse, Erceuesque e Euesque autres psones e gentz de seinte Eglise e seculers que prount despendre p an de lour rentes xl ti des linges, e ceo iesque ataunt qil pleise a nous p fire bon conseil ceste ordeinement e defens plus auaunt estendre.

VII.—E qe chescun home & feme Denglerre, Irlaund e Gales puissent faire draps auxint loges e auxint courtz come eux vodrount.

VIII.—E qe totes gentz eient plus gaunt volunte de laborer sur les offaignes des draps en Englefre Irlaund e Gales, nous voloms qe totes gentz sachent q no gaunfoms ffaunchises couenables as folours felers teentrers e as autres offours des draps que de cele mest souereinemt visient quel eure que tieles faunchises no seient demaundez.

IX.—E qe gaunte seit as Marchauntz des leyns qe eux eient un Meir de susdites estaples.

X.—E qe totes marchauntz estaunges eient le plus gaunt volunte de venire sur nre poer e ipuissent plus sauuemt dem er e reuener, no les pnoms corps e biens en nre pteccon. E defendoms sur greue forfeture que nul leur face mal ne damage en corps ne en biens en venaunt dem aunt ou retournaunt, issint que si ascuns les facent damage countre ces pteccion e defens, ceux de la ville dount les meffesours frount seient tenus a respoundre des damages ou des cors des

And that no man or woman of a burgh or city, nor the commonalty of the people outside a burgh or city in England, Citizens, burghers, and Ireland or Wales, after Christmas next ensuing, use cloth commonalty of their own buying, that shall be bought after the said cloth made in feast of Christmas, if it be not cloth made in England, Ireland England, or or Wales, upon heavy forfeiture and punishment, as we, by Wales. our good council, will to ordain thereupon. And be it known that by the commonalty in this case shall be understood all "Commonpeople, except the King and Queen, earls and barons, knights and ladies and their children born in wedlock, archbishops and bishops and other persons and men of holy church, and seculars, who can expend yearly of their rents forty pounds sterling, and this as long as it pleases us, by our good council, to extend this order and prohibition.

And that every man and woman of England, Ireland and Wales, may make cloth as long and as short as they please.

And in order that all people may be more willing to work upon the making of cloth in England, Ireland and Wales, we cloth working, will that all men know that we shall grant suitable franchises franchises to fullers, spinners, dyers and other workers in cloth, who live granted to mainly by this trade, what time such franchises be asked spinners, &c. of us.

And that it be granted to the wool-merchants that they may IX. Wool merhave a mayor of the aforesaid staple.

And in order that all merchant strangers may be the more willing to come under our jurisdiction, and may be able with strangers greater safety to abide and return, we take them, their taken under persons and goods, into our protection. And we forbid, upon protection. heavy forfeiture, that anyone do them wrong or injury in person or goods, while they are coming, abiding or returning, provided that if any do them injury, contrary to this protection and prohibition, they of the town to which the If injured, evildoers shall belong, be bound to answer for the damages or answer.

to use only

VII. Cloth may be made long or short.

chants to have a mayor of the staple.

meffesours, e que Meir ou baillifs des villes ou Nauie est pignent surete pur quele il vodrount respoundr a lour pil des Marifis de mesme la Nauie chescun foitz qui isterount hors des hauenes qui ne mefferrount ne mespor unt ve nuli countre ces articles.

En testmoignance de quele chose cestes nos tres oûtes auoms faite ensealer de \tilde{n} re seal. Donez a Keneylworth le $p^i\tilde{m}$ ior de Maij Lan de \tilde{n} re Regne diz e Neofime.

for the persons of the evildoers; and that the mayor or bailiffs Bonds from of the towns where the shipping is, take surety, for which their conduct they will be ready to answer at their peril, from the sailors of towards the said shipping, each time that they shall depart from the harbours, that they will not do wrong or misconduct themselves towards anyone, contrary to these articles.

In witness whereof we have caused these our letters patent to be sealed with our seal. Given at Kenilworth the first day of May, in the nineteenth year of our reign.

5 EDWARD III. A.D. 1331.

[Memoranda Roll of the Exchequer, 5 and 6 Edward III., m. 2f.; and Red Book of the Exchequer in Ireland, fol. 4d.]

(Red Book.)

RDINAČOES ' acte in pliamento apud Westim tempore
Rege E. ?cii tento put tam inferius * in Ro* Memori
Sc*cii . . ?io scii Michis anno eiusdem Regis quinto q*m
in Ro* C. . . . hibn de anno sexto dcii Regis irrotulat
contr.

(Mem. Roll.) ² Břia de Angt et Cancellař Hibn lib ad sc^acim Dublin in ⁹mio sči Michis anno ř ř E. ⁹cii post coquestū qⁱnto.

Statuta Angt. Edwardus dei gra Rex Angt Dñs Hibñ & Dux Aquit Justic Cancelt & Thes suis Hibñ sattm. Mandamus vobis qd artictos subscriptos quos p emendacione status ere ñre Hibñ & quiete & tanquillitate popli ñri ibidem p auisamentu consilii ñri in vltimo pliamento ñro apud Westm tento ordinauimus in dca era Hibñ qantu ad vos attinet teneatis & observetis & p alios fideles ñros dce ere teneri & observari faciatis. Tenor autem artictos pdcos talis est... In pimis Justic Hibñ qui nunc est vel qui p tempe fuit non concedat Cartas pdonacionis de morte hois no de roberiis & incendiis aliquibs, nisi de roberiis & incendiis ante festu Pasche anno regni en E. Rege Angt fcii post Conquestu Quinto ppetratis, et qd deceto certificet Regem de noibs huiusmodi pdonaciones petenciu & de

¹Entitlement in Red Book.

^{*} Entitlement in Mem. Roll,

5 EDWARD III. A.D. 1331.

RDINANCES made in a parliament held at Westminster in the time of king Edward the Third, as they are contained, as well below, and in a Memoranda Roll of the Exchequer [of Ireland of] Michaelmas term, in the fifth year of the said King, as in a roll of the C[hancery] of Ireland of the sixth year of the said King enrolled.

Writs out of England and the Chancery of Ireland, delivered at the Exchequer, Dublin, in Michaelmas term, in the fifth year of the reign of king Edward the Third after the conquest.

STATUTES OF ENGLAND.

Edward by the grace of God King of England, lord of Articles of Ireland and duke of Aquitaine, to his Justiciar, chancellor ment at and treasurer of Ireland, greeting. We command you that the Westminster to be observed underwritten articles which, for the improvement of the state in Ireland. of our land of Ireland and the quiet and tranquillity of our people there, by the advice of our council in our last parliament held at Westminster, we have ordained, in the said land of Ireland, you, as far as to you belongs, hold and observe, and by our other faithful subjects of the said land you cause them to be held and observed. The tenor of the aforesaid articles is as follows :-

I. Firstly, the Justiciar of Ireland who now is, or who for Limit of the time shall be, shall not grant charters of pardon for the charters of death of a man, nor for any robberies and burnings, except for robberies and burnings before the feast of Easter in the fifth year of the reign of the lord Edward, King of England, the third after the conquest, committed. And that from henceforth he certify the King of the names of those seeking such pardons and his advice thereon, and that the King do

auisamento suo, et qd Rex faciat inde voluntatem suam, et qd nult in fra Hibn exnuc fac tales pdonaciones infra libtatem vel exta sub gaui forisftura dni Regis.

Itm qd deus Justic decefo non concedat tuicione pacis felonib3 ad siluam existentib3. Itm qd vna e eadem Lex fiat tam Hibnicis qam Anglicis, excepta suitute Betagio, penes dnos suos eodem modo quo vsitatu est in Angl de villanis. Itm qd Justic nec aliquis alius Minister decetero non det alicui custodiam vel Maritagiu alicuius hered ad Regem ptinencia, nec pdonet debita Regis seu fines afficiamenta vel catalla forisfta, set qd Justic e alii Ministri huiusmodi custodias e Maritag vendant e at comodu Rege inde fac iuxa discreciones suas.

Ita qd vic « Coronator decelo eligant p Coitates Comitatuu, et non alio modo, et qd catalla forisfta remaneant in custodia villata. Itm qd Justic seu aliquis alius Minister non recipiat alique Magnatem in plegiu vel manucaptorem vsus and Regem nisi quatenus ad comodu ani Regis viderint faciena. Itm qd Justic obsides p conservacione pacis sibi liberatos in Castris ani Rege faciat saluo custodiri ad sumptus suos pprios, et qd si ipi qui posuerunt huiusmodi obsides condiciones convenciones quas fecunt non observent, Justic faciat Justiciam « Judiciu de huiusmodi obsidiba. Itm qd Justic seu aliquis Magnas Hibn non concedat ptectiones alicui contapacem Rege existenti. Itm qd nullus Minister Rege deceto

¹ The copy in the Red Book ends here.

therein his will, and that no person in the land of Ireland henceforth give such pardons within a Liberty or without, under a heavy forfeiture to the lord the King.

- II. Also that the said Justiciar from henceforth shall not No protection grant the tuition of the peace to felons being in the woods.
- III. Also that one and the same law be made as well for Same law for the Irish as the English, except the service of betaghs in English, save the power of their lords, in the same manner as is used in service of betaghs. England concerning villeins.
- IV. Also that neither the Justiciar nor any other officer The King's from henceforth give to any person the wardship or marriage wardships and marriages of any heir, appertaining to the King, nor pardon debts of to be sold for his profit. the King, whether fines, amercements or chattels forfeited, but that the Justiciar and other officers sell such like wardships and marriages and make other profit thereof for the King, according to their discretions.
- V. Also that from henceforth the sheriffs and coroners Sheriffs and be elected by the communities of the counties, and not in any coroners to be elected by other manner, and that chattels forfeited remain in the communities of the counties.
- VI. Also that the Justiciar or any other officer shall not No magnate receive any magnate in pledge or mainprise towards the lord towards the King, unless as far as for the advantage of the lord the King. King they shall see it meet to be done.
- VII. Also that the Justiciar cause the hostages for the Hostages for preservation of the peace to him delivered to be safely kept at peace to be kept in King's his own costs, in the castles of the lord the King, and that castles, &c. if they who have given such hostages observe not the conditions and conventions which they shall have made, the Justiciar shall execute justice and judgment upon such hostages.
- VIII. Also that the Justiciar or any magnate of Ireland No protection shall not grant protections to any person being against the to any being against the King's peace.

recipiatur in plegiū vel manucaptorē vsus đum Regem. qd fines de vaccis decelo p redempcione non capiant set Itm qd Treuga capta & capienda in? Anglicos & Hibnicos decelo obseruet, et ad neutra pars dampnu alteri durante huiusmodi Treuga inferat, et si fecunt p felonia heat. Jīm qd nullus vtlagatus in gildabili receptet, infra libtates nec econuso, et inde fiat ordinacio p Justic & alios Ministros & đnos libtatū. Iim qd vic * alii Ministri coputent quoit anno semel ad minus si comode fieri polit. Itm qd senescallus alicuius dni Hibn non ponatr in aliquo officio Regis. Thes Rege vel aliquis alius Minister Rege vbi ipe intendere non potest supuideat quolibet anno Castra Rege e statū eoşdem, et qd emendari fac defectus eoşdem. Itm qd vic in ret^rnis que faciut de brib; dni Rege ponant nois sua. Ita qd quitt vic de exit forisftis & aliis pficuis que requirunt, st noie vic offet ad scacm p tempe suo pprio. Itm qd extanei non assignent' Collectores Custuma, Rege set Burgenses villa, ubi tales custume colligi debent assignent^r ad eas colligend, et hoc fiat de potenciorib3 & discreciorib3. Itm qd Justic fac

- IX. Also that no officer of the King from henceforth be No officer of the King to be pledged towards him.
- . X. Also that fines of cows from henceforth be not taken Money to be for redemption, but money.
- XI. Also that a truce taken and to be taken between the Truce English and Irish from henceforth shall be observed, and that English and neither party do injury to the other during such truce, and if Irish to be observed. they do, that it be held for felony.
- XII. Also that no outlaw in geldable land be received No outlaw in within Liberties, nor conversely; and that order be made to be received thereon by the Justiciar and other officers and the lords of in Liberties, and conversely.
- XIII. Also that the sheriffs and other officers account every Sheriffs, &c., year, once at the least, if it can be conveniently done.

 Sheriffs, &c., to account once a year.
- XIV. Also that the seneschal of any lord of Ireland be A lord's seneschal not placed in any office of the King.

 Seneschal not to be an officer of the King.
- XV. Also, that the King's Treasurer, or some other officer King's castles of the King, where he himself cannot undertake it, inspect spected yearly every year the King's castles and the state thereof, and that by the he cause their defects to be remedied.
- XVI. Also that the sheriffs put their names in the returns Sheriffs to which they make of the writs of the lord the King, so that put their names in every sheriff be charged at the Exchequer for his own time, returns to for the issues, forfeitures, and other profits which are demanded writs.
- XVII. Also that strangers be not appointed collectors Burgesses to of the King's customs, but that burgesses of the towns where collect such customs should be collected, be appointed to collect them, towns. and that this [appointment] be made from among the most influential and discreet.

inquirere quott anno de Ministris d'ni Rege, * eos fcis, et qd puniat delinquentes p consiliu e auisamentu Cancelt Thes e alios de consilio Rege * ammoueat insufficientes * ponas sufficientes. Itm qd nullus manuteneat nec ducat kernos nec gentes vocatas Idelmen nisi in marchiis suis ppriis, et ad custus eozdem, nec fac prisas. Itm qd omes Ministri Regis qui tenent' ad computand, et non hent fras seu ten suffic in Hibñ inueniant manucapcione in Hibñ ad respondend Regi de comp suis ibidem. Itm ad omes hentes Pras & ten in Hibn tam religiosi qam alii Bmuniant qd resideant in eisdem, si sint in Marchiis vel alibi vel ponant sufficiente custodiam p conseruacione pacis in eisdem, citra festu sci Petri ad vincta px futur, et si non fecint qd Rex in eaz defectu, Pras & ten illa in manŭ suam capiet & de sufficienti custodia eoşdem ordinabit. Itm qd nullus cuiuscuq status seu condicionis manuteneat foueat nec defendat Hibnicos, seu aliū quēcūq contra pacem dni Rege insurgentē. Et si aliquis sic fecit * inde conuictus fuit, p felone heatur. In cuius rei testimon has tras ñras fieri fecimus patentes. T'. meipo apd Croyndoñ Pcio die Marcii anno r̃ ñ Quinto. p ipm Regem & cons.

Ven hic irro p manus Thom de Burgh Thes Hibn xix die Nouembr anno sup dco.

XVIII. Also that the Justiciar cause inquiry every year Justiciar to concerning the officers of the lord the King, and their yearly as to proceedings, and that he punish delinquents by the counsel the King's and advice of the chancellor, treasurer and others of the King's Council, and remove the inefficient, and place efficient persons [in their stead].

officers, &c.

XIX Also that no person maintain or lead kernes or No kernes or persons called idlemen, except in their own marches and at in their own their own costs, nor take prises.

marches.

XX. Also that all the King's officers who are bound to King's officers account, and have not lands or tenements sufficient in Ireland, prise to find mainprise in Ireland to answer to the King concerning account. their accounts there.

XXI. Also that all persons having lands and tenements in All having Ireland, as well religious persons as others, be forewarned Ireland to that they reside in the same, whether they be in the marches reside in same or place guard or elsewhere, or that they place sufficient guard for the in them. preservation of the peace in the same, before the feast of St. Peter ad vincula next to come, and if they shall not do so, that the King, on their default, take the said lands and on penalty. tenements into his hand and make order concerning their sufficient keeping.

XXII. Also that no person of whatsoever state or condition, None to maintain, favour, or defend Irishmen or any other person Irish who are whatever, rising against the King's peace. And if any person against the King's peace. do so and be thereof convicted, that he be held as a felon.

In witness whereof we have caused these our letters to be made patents. Witness myself at Croydon the third day of March in the fifth year of our reign.

By the King himself and Council.

They came here to be enrolled by the hands of Thomas de Burgh, treasurer of Ireland, the nineteenth day of November in the year aforesaid.

5 EDWARD III. A.D. 1331.

[Memoranda Roll of the Exchequer, 5 and 6 Edward III., m. 2 f.]

pro Rege de reuocac.

DWARDUS dei gra Rex Angl Dñs Hibñ & Dux Aquit difcis & fidelib; suis Antonio de Lucy Justic, Ade de lymbergh Cancellar, & Thome de Burgh Thes suis Hibn salim. Quia in pliamento nro nup apud Westm tento p nos Blatos, Comites, Barones, & coitatem regni nri concordatum fuit, ad omes donacoes p nos facte postqam suscepimus gubernacia regni nri de castris, villis, Maniis, terris, ten, Wardis, custodiis, Maritagiis, Baltis, & libtatib; renocent & eadem castra, ville, Mafia, terre, teñ, Warde, custodie, Maritagia, Ballie € libtates resumant^r in manū ñram p eo qd negocia nos & statū regni ñri e terre Bdce contingencia p quosdam tunc consiliarios ñros deducta fuerant ad ñri dampnū * dedecus ac depaupacoem popli dicti regni, Vob mandamus qd omia castra, villas, Maffia, terras, teñ, Wardas, custodias, Maritagia, Ballias e libtates p nos postqam gubernacia regni ñri suscepimus, data, concessa, seu comissa in manu nram resumatis, et ea ad opus nrm p bonos e sufficientes Custodes p vos ad hoc deputand, saluo custodiri fac, qui de exitib; inde pueientib; nob ad scecim nêm Dublin respondeant put decet. T.' meipo apud Croyndon qinto die Marcii anno r n qinto.

Ven hic irrotuland p manus Thom de Burgh Thes xxi° die Januar a sup*dco.

6 EDWARD III. A.D. 1882.

[WRIT FOR OBSERVANCE IN IRELAND OF SEVERAL STATUTES.]1

The King to his trusty and well-beloved Anthony de Lucy, his justiciar of Ireland, greeting. Certain statutes by us, the Prelates, Earls, Barons, and other great men of our realm, published in divers our parliaments, since we took upon us the government of our realm, we send unto you, in patent form, commanding that the statutes aforesaid, and all the articles therein contained, in our aforesaid land of Ireland, as well within liberties as without, you cause to be publicly proclaimed; and as much as to you and our people of those parts

¹ The text, taken from Statute Roll (Engl.) m. 26, is printed in Statutes of the Realm, 1., p. 259.

5 EDWARD III. A.D. 1331.

DWARD by the grace of For the King, God, King of England, concerning resumption. lord of Ireland and duke of Aquitaine, to his beloved and faithful Anthony de Lucy, his justiciar, Adam de Lymbergh his chancellor, and Thomas de Burgh his treasurer of Ireland, Whereas in our parliament lately held at Westminster, by our prelates, earls, barons and commons of our kingdom, it was agreed that all gifts by us made, after we undertook the government of our kingdom, of castles, towns, Castles, lands, manors, lands, tenements, wardships, custodies, marriages, &c., granted bailiwicks and liberties should be revoked, and the said undertook the castles, towns, manors, lands, tenements, wardships, custodies, government to be resumed marriages, bailiwicks and liberties be resumed into our into his hands. hand, by reason that matters concerning us and the state of our kingdom and land aforesaid, by certain of our then councillors were carried out to our injury and dishonour, and the impoverishing of the people of the said kingdom; we command you that all castles, towns, manors, lands, tenements, wardships, custodies, marriages, bailiwicks and liberties; by us, after we undertook the government of our kingdom, given, granted or committed, you resume into our hand, and the same to our use, by good and sufficient keepers by you for this purpose to be deputed, you cause to be safely kept, who of the issues thereout accruing shall answer to us at our Exchequer of Dublin, as is meet. Witness myself at Croydon the fifth day of March, in the fifth year of our reign.

This came here to be enrolled by the hands of Thomas de Burgh, treasurer, the twenty-first day of January in the year aforesaid.

belongs, to be firmly kept and observed. Witness the King at Northampton, the 11th day of April, in the sixth year of the King aforesaid. It is following Statutes were sent into Ireland with the foregoing writ:—

¹ Edward III. 1327. Statutes I. and II. Westminster. (See Statutes of the Realm, I., p. 251).
2 Edward III. 1328. Northampton. (See Statutes of the Realm.

I., p. 257).
4 Edward III. 1330. Westminster. (See Statutes of the Realm, I., p. 261).

I., p. 261).
5 Edward III. 1331. Westminster. (See Statutes of the Realm, I., p. 265).

16 EDWARD III. A.D. 1342.

[RED BOOK OF THE EXCHEQUER IN IRELAND, FOL. 13-20.]

ES peticions] qensuent furent baillez a ñre seign' le
Roi de ffrance & Dengletre p frier John [Larcher]
Priour del hospital seint John de Jertm en Irlaund & mon!
Thomas Wogan enuoi[ez au Roy] en message p les Prelatz
Countz Barons & la cõe de la terre Dirlande oue autr's
[articles queux] le Roi p lauisemēt de son consail ad ordeine
queles peticions furont diligealmēt [examinez &] responduz p
le consail le Roi et les responses escriptes sedalmēt aß chescun
pe[ticion &] puis le Roi oyz & entenduz les dites peticiones &
responses si acorda & comanda q̃ lez [dites] responses oue les
autres articles feusent tenutz & maintenuz en toutz pointz sur
les pei[nes con]tenus en ycelles.

[Tres]ch seign ptie de les defautes p quoi vous nestes mie responduz des issues de vre Pre Dirlande come votz pgenitrs soleient, estre si sont p les enchesons q ensuont cest asauoir [sire] q auxi bien votz Manoirs, Chasteux, fforcelets & autres votz demeines fres dount votz pgenitours soleient resceuire grandes issues & pfits come les Manoirs, Chasteux & fforcelets Duluest & de Connaght q furont al Counte Duluest & ore sount en vre garde dount sire vo auiez en Connaght la Jurisdiccione real p tut de reison & de queles les Countz Duluest soloient auoir grandes issues & auantages & ensemet sire autres diffses fres & tempaltez q deuienent en vre [gar]de p defaute de bones ministres q y dussent auoir mis bone gounemet si sount mitz des[trutz] issint sire q poi de profit vient a vous de toutes celles Pres & pmie meismes les Pres issint destrutz * fieblement gardez, les fres veisinables si sont destrutz pont sire la tierce pte € plus de vre Pre Dirlande q fust conquis en temps de votz pgenitrs est ore deuenutz en la

¹ Blanks in the original, caused by obliterations, &c., are supplied from text (extended) printed in Calendar Close Rolls, Edward III., 1341-5 (P. R. O. series), p. 508, taken from Close Roll (Engl.), 16 Edward III., pt. 1, m. 25d. The text also appears in Prynne's Animadversions (1869), p. 278.

16 EDWARD III. A.D. 1342.

THE Petitions which follow were presented to our Petitions to lord, the King of France and England, by brother the King from Ireland, with John [Larcher], prior of the Hospital of St. John of Jerusalem answers. in Ireland, and sir Thomas Wogan, sent to the King as messengers by the Prelates, Earls, Barons, and the Commonalty of the land of Ireland, with other articles, which the King, by the advice of his Council, has ordained; which Petitions were diligently [examined and] answered by the King's Council, and the answers written severally after each Petition; and then the King, having heard and attended to the said Petitions and answers, agreed and commanded that the [said] The answers, answers, with the other articles, should be held and main-ac, to be observed. tained in all points, upon the penalties therein contained.

I. [Very] good lord, part of the defaults, by reason whereof Reasons for you are not answered of the issues of your land of Ireland, as want of profit your progenitors were wont to be, are due to the following King's lands. causes, namely, [sire] that as well your manors, castles, fortalices, and other your demesne lands, out of which your progenitors were wont to receive great issues and profits, as the manors, castles, and fortalices of Ulster and of Connaught, which belonged to the Earl of Ulster, and which are now in your custody, of which, sire, you have in Connaught the royal jurisdiction by every right, and of which the Earls of Ulster were wont to have great issues and advantages; and likewise. sire, divers other lands and temporalities which come into your [custody] are by want of good officers, who ought there to have placed good government, so much destroyed, that, sire, little profit accrues to you out of all those lands; and besides the same lands so destroyed and feebly guarded, the neighbouring lands are destroyed, whereby, sire, the third part and more of your land of Ireland, which was conquered in the time of your progenitors, is now come into the hand of your

meine de votz enemis Irreys * votz liges gentz Engleis sont tant espouerez q̃ apeine poent ils viure. Et issint sire q̃ p greuance des ditz enemis dune pt * excesse doffice des ministres dautre pt come sra ben moustre vo² nestes mie responduz des issues * profitz de ṽre dite fre, sicome voz pgenitours soleient estre ne votz ditz lieges ne se poent contenir santz remedie de ṽre bon seign ie.

- C. A ceste peticion p^r ceo \tilde{q} ele est gessal si nest mie responce done ici, mais celle est assez respondue en les autres articles quesuent \tilde{q} sont mis en especial.
- C. Ensement sire come nulle tre ne pra estre ben gosne santz ley armes, vos Ministres sire en Irlande failont souent en lune et en lautre, Cest assauoir sire q p la ou y li ad continuele gerre en Connaght et aillours en vre dite fre pentre les linages Engleis p defaute sire q votz Ministres ne viegnot point pur fere execucione de loi dess les messesours ne les restreignont p force darmes ceux pais sont tant destrutz a troblee q sire pnez nul pfit.
- C. Le Roi enuoiera bones gentz pr enquerre des choses q̃ soūt mespris * pur les redrescer en due mafie, et si voet il ordiner illoq̃s bones Ministres pr gouerfi ben la fre * meintefi la lei.
- C. Ensement sire votz Ministres chiuauchent [ascu]ne foitz efforcemet en vre dite vre ou il nad meister p cause de resceuire gages q destrut vre Tresor.
- C. Le Roi defent seur greue forfaitre qils ne chiuauchent [de gerre] ne ne facent tiels despenses mais en la mafie mais qant il busoigne et soit enquys [queux] ont fait al encontre a soient punitz solone la qantite du trespas de quele estat [qils soient].
- C. Ensemet sire vos Chasteux de Roscoman, Radoñ e Athlon, Bonrat [* autres chas]teux * fforceletz q̃ dussent estre en ṽre maine * p q̃ux tut le pais [entour soloit estre] conforte

Irish enemies, and your English lieges are so impoverished that they can hardly live. And accordingly, sire, by trouble from the said enemies on the one side, and official misconduct of the officers on the other side, as shall be well proved, you are not answered of the issues and profits of your said land, as your progenitors were wont to be, nor can your said lieges maintain themselves without remedy from your gracious lordship.

To this petition, because it is general, no answer is here Answer. given, but it is sufficiently answered in the other articles which follow, which are framed in particular.

II. Also, sire, though no land can be well governed without Officers not law and arms, your officers, sire, in Ireland, often fail in the executing the law by force one and in the other; that is to say, sire, that whereas there of arms. is continual war in Connaught and elsewhere in your said land among those of English blood, by default, sire, of your officers in not coming to execute the law upon evil doers, and not restraining them by force of arms, those countries are so destroyed and troubled, that, sire, you receive no profit.

The King will send trusty people to enquire into the matters Answer. which are done amiss, and redress them in due manner, and it is his will to ordain there good officers to govern the land well, and to maintain the law.

III. Likewise, sire, your officers [some]times ride in force Officers ride in in your said land, where there is no need, for the sake of view to fees. receiving fees, which destroys your treasure.

The King forbids, under a heavy penalty, that they ride Answer. [to war], or any longer cause such expenses in this manner, except when it is necessary, and let enquiry be made as to those who have done the contrary, and let them be punished according to the amount of trespass, of what estate soever [they be].

IV. Likewise, sire, your castles of Roscommon, Randon Castles, &c., and Athlone, Bunratty [and other castles] and fortalices which hands by ought to be in your hand, and by which all the country default of the King's officera.

- * defendu si sont ore en meines des Irreis enemis et p cestes [defautes cest] assauoir sire q̃ les Tresorers Dirlande q̃ deussont βstemēt auoir paie [as Conestables] lur feez, ils ne le voloient pas faire eins delaierent la paie [tantqil lour couendroit ent re]lesser g*nde ptie pur auoir le remanent issint sire q̃ les dits [Conestables ne poent] lours offices couenablement pfournir * iademeyns sire les ditz Tresorers [ont entz plenere] allowance sur lours acomptes des fees auantditz.
- C. Ensemēt [sire ascuns ont la gar]de des Chasteux q̃ ia ny mettont le pee. Et ascunes des [Ministres ont la garde des chas]teux pur couetise des grandes fees * mettont en lur [lieu gentz de rient a meindres] custages qils poent eschaper et issint sire sont votz Chasteux * fforcelets les vns abatu[tz et les] vns en meines des Irreis enemis * les autres en g*nde pil destre pduz, et ceo sire p defaute des bons Ministres q̃ y dussent amendement mettre.
- C. Qent as Tresorers q ne [volloient] paier p temps * q pisteront ptie pur faire la remenant & ont euz allowance del [tut sur] lurs accomptes; soit enquis & due punissemet fait de Et les Tresorers paiont desore les fees Bstement sur peine de respondre au Roi & a son poeple des damages q [ent auen dront p lur defaute & le Justice ou son lieutenant surueye q les Chasteux le Roi soient ben estuffez des gentz darmes archiers & des autres garnisons solone la suffissan-[cye des] fees des Conestables & solonc co q la chose demande de necessite e solonc ceo [q d]antiquite soloit estre fait. qant a ceux q ount la garde des chasteux le Roi [& ne delmoerent point sur lur dites gardes & ensemet as Ministres genpnent la garde des [Chas]teux le Roi pur couetise des gandes fees soit mande au Justice Dirland ou a son lieutenant qil mette tiels Conestables e tiels garnissons en Chasteux qils purront sauuer les Chasteux & aider au pais enuiron & qis demoergent sur lur gardes sur peine de respondre au Roi 3 a

[around was wont to be] strengthened and defended, are now in the hands of the Irish enemies, and by these [defaults], that is to say, sire, that the Treasurers of Ireland, who ought promptly to have paid [the constables] their fees, would not do it, but delayed making payment [until they agreed to] forego a great part, in order to have the remainder, with the result, sire, that the said [constables cannot] properly perform their offices; and nevertheless, sire, the said Treasurers [have thereof full] allowance on their accounts of fees aforesaid.

Likewise, sire, certain persons have the custody of castles, Neglect of And some of [the officers have King's castles. who never set foot in them. custody of castles] through greed of large fees, and put in their [place men of no substance at less] cost, which they are able to conceal, and so, sire, your castles and fortalices are, some in ruins, some in the hands of the Irish enemies, and others in great danger of being lost; and this, sire, for want of good officers, who ought to make amendment herein.

As to the Treasurers who [would] not pay in time, and who Answer. took part, as a condition for payment of the remainder, and Treasurers. have had allowance of [all on] their accounts, let enquiry be made, and due punishment executed on them. And let the Treasurers henceforth pay the fees promptly, on pain of answering to the King and to his people for the losses which may happen therein by their default, and let the Justiciar or his lieutenant see that the King's castles be well furnished King's castles with men at arms, archers and other equipments, according to equipped. the adequacy of the fees of the constables, and according as necessity demands, and as from olden time was wont to be And as to those who have the custody of the King's Sufficient castles, and do not dwell on their said wards, and likewise as same. to the officers who undertake the custody of the King's castles through greed of large fees, be it commanded to the Justiciar of Ireland or his lieutenant that he put such constables and such equipments in the castles that they may be able to preserve the castles, and aid the country around, and that they dwell on their wards, on pain of answering to the King and to

son poeple des damages quiendront p lours defautes. Et \tilde{q} autres \tilde{q} ont la garde des Chasteux en pais de doun le Roi en fee ou en autre masse y mettont couenable garnison solonc lasserant de lurs sees & demoergent sur lur gardes sur peine de pdre lur gardes des ditz Chasteux oue les apprenances & de respondere au Roi & as autres des damages \tilde{q} ensi auendront p lur desaute. Et \tilde{q} pur nul mandement \tilde{q} vendra du Roi nul hôme eit garde du Chastel sil ne demoerge en ppre psone & face ceo \tilde{q} atient come desuis est dit, et soit mande vne bres au Justice ou son lieutenant & vne autre au Chanceler \tilde{q} si ensi soit \tilde{q} celui a qi la garde est gante ne y uoile demoert ; qils facent autre en son lieu. Et soit mande au Tresorer qil ne paie gages a celui forse, pur le temps qil demoert & pur les gentz qil retient.

- C. Ensement sire votz Ministres donnent fees pur la garde de Chasteux auxi ben la ou Chasteux ne sont mie come la ou ils sont seur quei sire si hom enquerge ben fra troue q Tresorers enount plaine allowance sur lours acomptes p la ou ils nount paie fors poi ou nient.
- C. Le Roi deffent \tilde{q} rienz ne soit paiez pur la garde du Chastel pdu ou abatu * soit enqis de ceux \tilde{q} ount ensi folement paiez * respoignent ent au Roi. Et soient baillez as ceux \tilde{q} enquerront les t*nsescipts des acomptes des Tresorers renduz a Lescheqer * soient puniz solone lur desert a la suite du Roi * de ptie, et \tilde{q} le Justice ou son lieutenāt * le Chanceller Dirland \tilde{q} pur le temps front suruoient chescune an oue bone diligéce auxi bien les peelles des acomptes desouz Ministres * de ceux \tilde{q} paient gages de gerre * de tous autres acomptables al Tresorer en Lescheqer touchantz les acoptes des Tresorers come doit Tresorer meismes, * si rien soit a chalenger y mettot lours chalenges * meismes les acomptes * peelles issint s'ueuz * examinez ensemblement oue lur

his people for the losses that may happen by their defaults. And that others, who have the custody of castles in the country, of the King's gift in fee, or in any other manner, place in them suitable equipment, according to the proportion of their fees. and dwell on their wards, on pain of losing their custody of said castles, with the appurtenances, and of answering to the King and to others for the losses which shall thus happen by their default. And by no warrant which shall come from the King let any man have custody of a castle, if he dwell not [there] in his own person, and do what appertains thereto as is above said. And let a writ be sent to the Justiciar or his lieutenant, and another to the Chancellor, that if it be so that he to whom If custodians custody is granted, will not dwell there, that they appoint will not dwell, new ones to another in his place. And be it commanded to the Treasurer be appointed that he pay him no wages save for the time that he dwell there and for the men that he retains.

V. Likewise, sire, your officers give fees for the custody of Fees paid for castles, as well where castles are not as where they are ; custody where as to which, sire, if enquiry be made, it will clearly be found exist. that Treasurers have full allowance on their accounts, whereas they have paid but little or nothing.

The King forbids that anything be paid for the custody of a Answer. castle lost or thrown down, and let enquiry be made of those Such forwho have thus foolishly paid, and let them answer for it to the penalty. King. And let the transcripts of the Treasurers' accounts rendered to the Exchequer be delivered to those who shall make enquiry, and let them be punished according to their desert at the suit of the King and of the party, and that the Justiciar or his lieutenant and the Chancellor of Ireland for Provisions for the time being, examine each year with good diligence, as well of accounts. the parcels of the accounts of the under officers and of those who pay wages of war, and of all others accountable to the Treasurer in the Exchequer, touching the accounts of Treasurers, as ought the Treasurer himself; and if there be anything to challenge, let them put thereon their challenges, and let the accounts themselves and the parcels so surveyed and examined,

chalenges soient clos souz les seals des ditz Justice ou son lieutenant « Chanceller » le seal del Escheqer, » enuoie en Englerre quele hure q les Tresorers front mandez pur lur acomptes rendre.

- C. Ensement sire plusours autres choses sount come douns de vre dit poeple a vous sire faitz e prises de vittailles pur vre gerre descoce e aillurs de quoi sire plaine allowance est fait as Tresorers santz paiement faire a ceux des queux les vittailles sont ensi pis ou gre auoir de vous sire pur lur douns.
 - C. Soit enquis * puny come deuant.
- C. Ensement sire diffses Eschetours viscontes & autres Ministres acomptables sont faitz ascunz p Comissions de dela & ascuns de decea & sont gauement endettez a vous sire & poi ount ou nient dount paier & ascuns passent en Englefre & ascuns moerent p decea, issint sire q vre poeple nest descharge de ceo qils leuent de eux ne vo' sire suy en destresse de vre tresore & gref damage de vre poeple.
- C. Soit enquis de teux Ministres q ount este et le Roi certefie des nouns [& de] lours mainpnors & de lours terres & tenementz & bienz quele pt qils soient. Et si voet [le Roy] q desore le Justice son lieutenant Chanceller ne Tresorer Dirlande pur nul man[dement] q lur vendra hors Denglefre resceiuent ne facent nul Ministre acomptable [sil ne] soient suffisant de respondre au Roi & au poeple solonc ceo q y apent et [si nulles] q ount este ensi Ministres soient demorantz en Englefre & ne ount rendutz acopte [soit] la court ey êtifie de lours nouns & soit pees fait ês eux en Englefre de les [faire] venir en Irlande a Lescheqer de rendre lur accompte illeoqes, & y soit fait ceo q [la ley] voet pur le Roi & pur autre.

together with their challenges, be closed under the seals of the said Justiciar or his lieutenant and the Chancellor, and the seal of the Exchequer, and sent into England, whenever the Treasurers shall be directed to render their accounts.

VI. Likewise, sire, several other things there are, as gifts Payment for of your said people made to you, sire, and prises of victuals taken. for your Scotch war and elsewhere, of which, sire, full allowance is made to the Treasurers without payment being made to those from whom the victuals are so taken, or satisfaction had from you, sire, for their gifts.

Let it be enquired of and punished, as before.

Answer.

VIL Likewise, sire, divers escheators, sheriffs and other Officers apaccountable officers are appointed, some by commissions on that sufficient to side, and some on this, and they are heavily indebted to you, answer to the King. sire, and have little or nothing wherewith to pay, and some pass into England and some remain here, so that, sire, your people is not discharged of what they levy of them, nor are you, sire, served, to the distress of your Treasury and grievous loss of your people.

Let enquiry be made of such officers as have done so, and Answer. the King be certified of the names [and of] their mainpernors, Enquiry to be and of their lands and tenements and goods, in whatever part And [the King] wills that from henceforth the Justiciar, his lieutenant, the Chancellor and Treasurer of Ireland shall not, for any mandate that shall come to them out of England, receive or make any officer accountable, [if they] be not sufficient to answer to the King and to the people, according to what in that case appertains, and [if any] who have so been officers, be dwelling in England, and have not rendered Process account, let the court here be certified of their names, and let dwellers in process be made against them in England [to cause] them to England, to compel come to Ireland, to render their account at the Exchequer accounts here there, and be that done therein which [the law] wills for the King and for other.

- C. Ensement sire si nules fres eschesent en ve maine en Marche ou fors de Marche p voie de garde * soient lessez a ascune home votz Ministres ne[allow]ent nulle mañes des coustages mis en sustenance des dites terres p quele defaute sire manoirs sont gastez * destruitz et Chasteux abatuz come piert en Vluesf * en Connaght * aillours en ve dite fre p quoi sire votz enemis sont le plus esbaudez * confortez.
- C. Soient desoremais tieles fres lesseez p bone surete de les garder en auxi bone point en tutes choses come ceux furont au iour du lees. Et si eles demoerent en la maine le Roi facent les Ministres en meisme la mafie, et sils ne facent soien repoinables au Roi « as heirs des dites fres qant ils front de plain age « ce auxi bien du temps passe come du temps auenir.
- C. Ensemet sire pur ceo q ascunes de votz Ministres Dirlande enbracent plusours offices p couetise de auoir mouls des fees voillez sire pur vre pfit ordiner q nul de votz Ministres illeoqes ne eit q vne office soulemet.
- C. Le Roi voet q nul Ministre neit q vne office ϵ vn fee si necessite ne le demande ne q Ministre le Roi tant come il est officer le Roi p^reigne fee ou empensione de nully si le dit fee ou empensione ne lui fust g^{*}nte devāt qil feust Ministre le Roi ϵ de ceo soient les Ministres iures deuant le Chief Justice ou son lieutenant illeoqes.
- C. A re seign le Roi moustrent votz lieges platz Countz Barons e les comunes de re les Dirlande q come diffses gentz de re ligeance come Descoce, Gascoigne e Gales souent as temps passez ount leue contre lur seign liege tut temps sire votz lieges gentz Engleis Dirlande se sont ben e loialmet contenuz des lur liege seig e toutz iours ferront si a dieu plest maintenant re dite fre al oeps de votz pgenitours sire e de vo auxi bien encontre les Escots come les Irreys votz

¹ De guerre inserted here in Close Roll.

VIII. Likewise, sire, if any lands escheat into your hand, Costs of in the March or out of the March, by way of custody, and be maintaining leased lands, leased to any man, your officers do not allow any manner of &c., not costs expended in support of the said lands, by which default, sire, manors are wasted and destroyed, and castles thrown down, as appears in Ulster and in Connaught and elsewhere in your said land, whereby, sire, your enemies are the more emboldened and strengthened.

Henceforth let such lands be leased by good security to keep Answer. them in as good condition in all things as they were on the Leases only day of the lease. And if they remain in the King's hand, let security. the officers do in the same manner, and if they do not, let them be responsible to the King and to the heirs of the said lands, when they shall be of full age, and this as well for time past as for time to come.

IX. Likewise, sire, inasmuch as some of your officers of Officers hold-Ireland combine several offices, through greed of having a large offices. amount of fees, be pleased, sire, for your profit, to ordain that none of your officers there hold but one office only.

The King wills that an officer have but one office and one Answer. fee, unless necessity demand it, nor that an officer of the King, One office while he is an officer of the King, take fee or pension of any, held. if the said fee or pension was not granted to him before he was an officer of the King, and to this effect let the officers be sworn before the Chief Justiciar or his lieutenant there.

X. To our lord the King show your lieges, the Prelates, English lieges Earls, Barons, and the commons of your land of Ireland, that in Ireland ousted from whereas divers people of your allegiance, as of Scotland, Gas-their freecony, and Wales, often in time past, have levied [war] against their liege lord, all the time, sire, your English liege people of Ireland have conducted themselves well and loyally towards their liege lord, and always they will do so, if God please, holding your said land to the use of your progenitors, sire, and of yourself, as well against the Scots as the Irish your enemies,

enemys et ceo sire tut le plus a lours costages ppres coment sire q altremet soit tesmoigne ailleurs p teux q sount mandes hors Dengletre de les gounir q eux ne ount gaires de conoisance de vre dite fre Dirlande ne q ont rienz ne poi a lur venir illeogs dont ils poent viure & lur estat contenir tanq ils soient1 cheuis p extorcions coloures de lours offices a qant destruccion de vre poeple, coment sire quis resceiuent de vre Tresorie illeoqs lours fees dues * acostumez chescun pr son office. Et votz pgenitrs sire & vo eiez done & gentes p votz chres as diffses gentz de Fre dite fre fres & teñs ffranchises gardes mariages & pardouns des dettes en regard pr lours bones suices p vtue sire des queles chres ils enont este en peisible possession tantq ore ia nouelement q votz Ministres illeoqs p mandement hors Denglefre a ceo qils diont eiont repellez & pris en vre meine qanta votz pgenitrs & vo sire auez ensi done * gente auxi bien ceo q est done * gente p bone et resonable cause come autre, « ceo sire contre la force du dit mandemet * tut pur auer gentz en daunger pur lur singuler pfit quele chose sire semble a votz ditz lieges contre reson depus q lurs ancestres * eaux lount ben deseruy * deseruont de iour en autre gardant e maintenant qentq en eux est la seign'ie de vre dite l're a vre ceps p quoi vous plese sire ordiner qils ne soient oustez de lurs france tens santz estre apelle en iugement come la gande chre voet.

C. Les Pres tens franchises & autres choses donez et gentez p les pgenitrs le Roi soient restitutz & entienement liurez a ceux desqueux ils furont pis sauue tout foitz au Roi son droit quele hure qil purra ent estre apris ou meuls enfourmee. Et les Pres tens & franchises & autres choses donez & gentez p le Roy meismes soient liures p bone & suffissante seurte de les rendre entierement au Roi ensemblement oue les issues ent retenues puis le temps de la seurete trouee issint q aps la

Etent, Close Boll.

and this, sire, all the more at their own costs, although testimony to the contrary, sire, may be borne elsewhere by those who are sent out of England to govern them, who themselves have little knowledge of your said land of Ireland, and have little or nothing at their coming there by which they can live and maintain their position, until they are supported by extortions under colour of their offices, to the great destruction of your people, although, sire, they receive from your Treasury there their fees due and accustomed each for his office. And your progenitors, sire, and yourself have given and granted by your charters to divers people of your said land, lands and tenements, franchises, wardships, marriages, and pardons of debts, in reward for their good services, by virtue, sire, of which charters, they have been in peaceable possession, until now lately when your officers there by mandate out of England, as they say, have revoked them, and taken into your hand as much as your progenitors, and you, sire, have so given and granted, as well what was given and granted for good and reasonable cause as otherwise, and this, sire, against the force of the said mandate, and all for the purpose of having people in danger for their private profit; which thing, sire, seems to your said lieges contrary to right, inasmuch as their ancestors and they have deserved well, and do deserve from day to day, guarding and maintaining, as far as in them is, the seigniory of your said land, to your use; wherefore please it you, sire, to ordain that they be not ousted from their freeholds without being summoned in judgment, as the great charter wills.

The lands, tenements, franchises, and other things given and Answer. granted by the King's progenitors, let them be restored and Lands, &c., delivered in their entirety to those from whom they were be restored. taken, saving always to the King his right, when he can be thereof apprised or better informed. And the lands, tenements and franchises and other things given and granted by the King himself, let them be delivered by good and sufficient security, to restore them in their entirety to the King, together with the issues retained thereout since the time of the finding of the

seurete troue ne soient ostez de celles fres auant q̃ la vite soit seur ceo trie en cas q̃ [tieux] douns * gantz soient trouez repellables p resone come faitz p noun iuste cause ou faux suggestione. Et en cas q̃ les douns * gantz issit faitz p le Roi soient trouez resonables * faitz p vreie cause estoisent en lur force * soit la maine le Roi ostie * demorêt les choses peisiblement as ceux as queux eles furent gantez * donez. Et les pdons des dettes [grantez] en temps le Roi meismes estoisent en lur force * sursessent les Ministres le Roi del le[uer] au tiels dettes sr autele surte tantq les causes des ditz pdons soient duement trie sauue tute foitz le droit le Roi.

C. Ensemet sire come votz pgenito's * vous eiez done [*] gantez p vos chres as ascuns de vre dite vre vres * teñs a fee ferme rendant p an a [votre] Escheqer de Dyuelyn lours fermes solonc les extentes ent faitz a la vreie value par vue sire des queles chres ils ont este en peisible possessione des ditz fermes tanq [ore] ia nouelemet q vos susditz Ministres p colour du mandemet susdit eient repelle * pr[is] en vre mein meismes celles fermes contre reson depuis sire q votz ditz fermers pstement paient lours ditz fermes * pstz sont * suffissantz a ceo faire seur quoi sire vo' plese ordiner remedie. Et voillez sire sauoir q si ceux vres * teñs democrassent en vre maine vo' ne aueriez mie de cler la moite du profit come les extentes amontent.

C. Soient les dites tres « tens luierez as ditz ffermers p bone seurte come deuant « soient veuz les extentes diceux « si eles soient trouez resonables estoisent en lur force « si nemie soient extenduz de nouel solonc ceo q les choses valoient au temps du lees et soient ceux q les tindrent chargez de paier solonc les nouelles extentes « en celle manere les teignont auant. Et q le Roi soit respondutz de les dites tres de tant come les ffermers dussont auoir renduz « de plus si la nouele

surety, so that after surety found, they be not ousted from those lands before the truth in this matter be tried, in case that [such] gifts and grants be found rightfully revokeable, as made by unjust cause or false suggestion. And in case the gifts and grants so made by the King be found rightful and made for good cause, let them stand in their force and let the King's hand be removed, and let the things remain peaceably to those to whom they were granted and given. And let the pardons of Pardons of ! debts [granted] in the King's own time stand in their force, debts to and let the King's officers surcease from levying such debts on the like surety, until the causes of the said pardons be duly tried, saving always the King's right.

XI. Likewise, sire, as your progenitors and you have given Fee-farm and granted by your charters to some of your said land, lands lands retaken and tenements in fee-farm, rendering yearly at [your] King's hands. Exchequer of Dublin their farms, according to the extents thereof made, at the true value; by virtue, sire, of which charters, they have been in peaceable possession of the said farms until now lately, when your aforesaid officers, by colour of the aforesaid mandate, have revoked and taken into your hand these same farms, contrary to right, since, sire, your said farmers promptly pay their said farms, and are ready and sufficient to do it; wherefore, sire, may it please you to ordain a remedy. And you should know, sire, that if those lands and tenements remained in your hand, you would not have clear the half of the profit that the extents amount to.

Let the said lands and tenements be delivered to the said Answer. farmers by good security as before, and let the extents thereof Such lands to be viewed, and if they be found just, let them stand in their to farmers force, and if not, let them be extended anew, according and extents to what the things were worth at the time of the lease, and let those who hold them be charged to pay according to the new extents, and in that manner let them hold them henceforward. And let the King be answered of the said lands of as much as the farmers ought to have rendered, and of more, if the new

be delivered

extente le demande. Et sils eiont abatuz boys q le Roi soit responduz de tant come il valoit.

- C. Ensement sire si nul gande ou meene de votz ditz liges deuie e vous soit tenutz en plus ou en meins, votz ditz Ministres santz moustrer somons seisent [*] pnent tantost en vre meine ses vres e teñs bienz e chateux santz soeffrer ordenarie executour ou autre administrer de quei sire vo ne pnez rien ne le heir est le plus deschargie de la dette son ancestre tanta, gre soit fait a votz Ministres dont ils piont remedie.
- C. Soit seisi tantq a la montance de la dette et soit le heir descharge de ceo q est leue des bens son ancestre et soit enquis de ceux q ont fait tieles oppssiones auant ces hures * puny come deuant. Et soit defendu qils ne seisont nulli biens sil ne soit dettour le Roi ou qil soit tenutz de rendre acompte au Roi et soit destresce fait tanq a la mountance de la dette * nemie outre * de taut come sra leuee des bens Lancestre soit le heir descharge. Et des autres bens Lancestre facent lordinaire * les executours ceo q a eux attient * soit enquis de ceux q ont seise en autre maniere * de ceo soient responables a la suite le Roy * de ptie.
- C. Ensemet sire comet q votz comandementz veignont souent a votz Ministres Dirlande de ouster la meine des fres * tens biens * chateux quels ils ont pis * seisis en fre meine des gentz de fre dite fre Dirlande * a lister a eux lour fres * tens biens * chateux auantditz ensemblement oue les issues puis le temps de la prise ent resceuz en qi meins qils soient deuenus votz ditz Ministres sire ne ont voluz les issues des dites fres * tens bens ne chateux auantditz solonc la force de

extent require it. And if they have cut down wood, that the King be answered of as much as it was worth.

XII. Likewise, sire, if any great man or inferior of your The King's said lieges die, and he be bound to you more or less, your said goods, &c., of officers, without showing summons, seize [and] take at once his a crown debtor. lands and tenements, goods and chattels, into your hand, without suffering the Ordinary, executor, or other to administer, whereby, sire, you take nothing, nor is the heir the better discharged of the debt of his ancestor, until satisfaction be made to your officers, of which they pray remedy.

Let seizure be made up to the amount of the debt, and let Answer. the heir be discharged of what is levied of the goods of his Seizure to the ancestor, and let enquiry be made as to those who have hereto- debt allowed. fore caused such oppressions, and let them be punished as before. And be it forbidden that they seize the goods of any, unless he be a debtor of the King, or that he be bound to render account to the King, and let distress be levied up to the amount of the debt, and not beyond, and that of so much as shall be levied of the goods of the ancestor, the heir be dis-And as to the other goods of the ancestor, let the Ordinary and the executors do what to them appertains, and let enquiry be made as to those who have seized in any other manner, and let them be answerable therefor at the suit of the King and of the party.

XIII. Likewise, sire, although your mandates often come Officers not to your officers of Ireland, to remove the hand from the lands delivering back lands and tenements, goods and chattels, which they have taken and &c., seized. seized into your hand from the people of your said land of Ireland, and to deliver to them their lands and tenements, goods and chattels aforesaid, together with the issues received thereout since the time of the taking, into whatever hands they be come, your said officers, sire, have not been willing to deliver up the issues of the said lands and tenements, goods and chattels aforesaid, according to the force of your said

votz susditz mandementz delider, p quoi sire mit gentz de vre dite fre sont gauement empodez a abessez, sur quoi sire vo? plese ordiner remedie.

- C. Soit enquis sur ceo e ent fet droit des teux Ministres a la suite le Roi e de ptie e ceo toutz les foitz q home se sentera en tele mafie greue deuant le chef Justice ou son lieu tenant de toutz les autres Ministres.
- C. Ensement sire les Eschtours Dirlande font souent seisir diffses fres en vre meine plus pur auoir le fee q y atient de lascher la meine des dites fres q p cause resonable a gande oppssion de vre poeple unul pfit a vo' sire, p quoi vous [plei]se sire ordiner q nul Eschetour desore mais peigne fee la ou trie soit a suite de ptie [la] seisine issint fait p eux nient droiturel.
- C. Soit defenduz \tilde{q} p la ou ils seisent p noun[iu]ste cause qils ßeignent nul fee, ϵ tut soit ceo qils seisent p iuste cause ne preignent autre fee \tilde{q} ne font les eschetours en Engle re. Et soit mande en Irlande quele [fee] les eschet p nont en Engle re.
- C. Ensement sire ascuns gentz p meins resonable suggestion ount suy brefs hors de vre Chancellerie Dengle^pre al lieutenāt vre Justice Dirlande a faire venir le corps dascunes gentz enditez en Irlande a respondre sire deuant vo² en Engle^pre des felonies vertespasses supposez estre fait en Irlande, quele chose sire est encontre coe ley verson pur quoi vo² plese sire ordifi q la ley se face de teux enditez desore mais en Irlande come tout temps en cea ad este fait.
- C. Soit fait sauuez tresons & chose q̃ touche la psone le Roi.
- C. Ensement sire moustrent votz ditz lieges q la ou les Irreis votz enemis q marchent e ioignent as diffses Countez se leuent de gerre si est suffert q lun Counte tiegne pees en¹

mandates, by reason of which, sire, many people of your said land are grievously impoverished and abased; wherefore, sire, may it please you to ordain a remedy...

Let enquiry be made in this matter, and right done therein Answer. of such officers at the suit of the King and of the party, and Such to have this every time any shall feel himself aggrieved in such manner, them. before the Chief Justiciar or his lieutenant, of all the other officers.

XIV. Likewise, sire, the escheators of Ireland often cause Escheators' divers lands to be seized into your hand, more to have the fee fees on unjust that there appertains to removing the hand from the said lands than for reasonable cause, to the great oppression of your people, and no profit to yourself, sire; Wherefore may it please you, sire, to ordain that no escheator henceforth take fee, where the seizure so made by them unjustly be tried at suit of the party.

seizures.

Be it forbidden that where they seize for unjust cause, they Answer. take any fee, and albeit they seize for just cause, that they They to take take any other fee than do the escheators in England. And let in England. that [fee] which the escheators take in England be sent into Ireland.

XV. Likewise, sire, certain people by unreasonable sugges- Persons have tion, have sued writs out of your Chancery of England, to the England for lieutenant of your Justiciar of Ireland, to cause the bodies of felonies in certain people indicted in Ireland to come to answer, sire, before you in England, for felonies and trespasses alleged to have been committed in Ireland, which thing, sire, is contrary to the common law and right; wherefore, sire, may it please you to ordain that the law be executed on those indicted henceforth in Ireland as has always been done heretofore.

Let it be done, saving treasons and anything that touches Answer. the King's person.

XVI. Likewise, sire, your said lieges show that whereas the Partial truces Irish, your enemies, who border on and join divers counties. or peaces. themselves levy war, it is suffered that one county hold peace

trewe oue les ditz Irreis enemis tantoome ils guerrent è destruent votz lieges des autres Countes veisnables. Et ensement sire ascunes dune Conte tenent pees ou trewe oue les ditz Irreis enemis tantcome ils guerront è destruient lurs veisins de meisme le Conte, seur quoi sire vo⁹ plese ordiner remedie.

C. Soit defendu q nule trewe ne pees se peigne si noun p toutz & si nul face al encontre soit tenutz de couigne des enemis.

Ensemet sire la ou les Irreis vos enemys destruient e occupent les fres de votz lieges p gerre tant auant qil bosoigne q votz Ministres y uiegnent pur remedie mettre si pnent ils trewe ou pees oue les ditz Irreis et les soeffrent occuper les dites fres p eux destruitz auxi ben afs la trewe ou pees come deuant, et si nuls de votz ditz lieges as queux celes fres son se enforcent de oster les ditz Irreys des dites fres durant la dite trewe ou pees, votz ditz Ministres p celle encheson pnont greuousemet deus eux e les font findre e enpisoner e en pisone detenir e mettre a fyn e raunceon p quele cause sire ils ne se osent mes medler de lurs dites terres issint occupez p force repurchascer et issint sire diffses fres de votz lieges en meines de votz enemis Irreys toutz iours demoerent sur quoi sire vor plese ordiner remedie.

- C. Soit defenduz q desoremes qent nulle trewe ou pees serra pis q nule trewe ou pees ne soit mie gente as enemys en mafio q les fres le Roi ou dautri demoergent deuers les enemys durant la trewe ou pees, einz safforcent les ditz gentz le Roy de recossir ceo qest en tele masse pdutz santz estre chalange ou enpeschee p celle cause.
- C. Ensement sire mouls gentz ont diffses seign^ries & fres en vre fre Dirlande quel ne y menont¹ point mesmes ne y mettôt costages p¹ lurs dites seign¹ies & fres meintenir ainz les baillont ascuns a ferme & ent pnent ceo qils poent auoir & ascuns

¹ queux ny veignent. Close Roll.

or truce with the said Irish enemies, whilst they war on and destroy your lieges of the other neighbouring counties. likewise, sire, some of one county hold peace or truce with the said Irish enemies, whilst they war on and destroy their neighbours of the same county, on which, sire, may it please you to ordain remedy.

XVI. Be it forbidden that any truce or peace be made Answer. unless by all, and if any do the contrary, let him be held as Truces to be general. in league with the enemy.

XVII. Likewise, sire, whereas the Irish, your enemies, Lands occudestroy and occupy the lands of your lieges by war, until there irish enemy be need that your officers come thither to make remedy, so during truces held by them they make truce or peace with the said Irish, and suffer them after. to occupy the said lands by them destroyed, as well after the truce or peace as before; and if any of your said lieges to whom these lands belong, endeavour to oust the said Irish from the said lands, during the said truce or peace, your said officers on that account act grievously towards them, and cause them to be taken and imprisoned, and detained in prison, and put to fine and ransom, for which cause, sire, they dare not interfere to regain their said lands so occupied by force, and so, sire, divers lands of your lieges remain always in the hands of your Irish enemies; on which, sire, may it please you to ordain remedy.

Be it forbidden that henceforth when any truce or peace Answer. shall be taken, that any truce or peace be granted to the enemy This for-bidden. in a way that the lands of the King or any other remain in the hands of the enemy during the truce or peace, but let the said people of the King try to recover what is in such manner lost, without being on that account challenged or impeached.

XVIII. Likewise, sire, many people have divers seigniories Proper mainand lands in your land of Ireland, which they do not them-tenance of lands. &c. selves manage, nor do they there expend money for maintaining their said seigniories and lands, but they let some to farm, and take thereout what they can have, and some remain in the

demoeront en meines des fiebles gardeins issint sire q p defaute q hom ne y mette point custages damender « ben garder les dites seign^ries et Pres meismes celles « autr⁹s Pres veisnables p celle cause sont moult destruitz seur quoi sire vo⁹ plese remedie ordiner.

- C. Soit vewe lordinance faite auant ces hures en ceo cas « si rien y soit damender soit amende « mande en Irlande » fournie en toutz pointz.
- C. Ensement sire chescune an veingnont hors de vre Escheqer de Dyuelyn deux de votz Min[istres] as votz costages pur trier la verte cire en chescun Conte & qant îmes sont assignez p vos ditz Ministres as dettours pur paier ceo q poet estre leue come est troue p veredite denqu[este] pr quele chose enquerre & la dette atiminer chescune des dettis donne largement de [sein] as ditz Ministres quele chose faite a plutost q votz ditz Ministres veignont a vre [dit] Escheqer ils font mander garantz as vescontz a destreindre & leuer lentier de ches[cun] endette nient eiantz regard as îmes issint gantez a damage sire de vo vo possion de [votre] poeple dount sire ils piont remedie.

Soit defendu q̃ desoremes nul dette soit atf[mine] hors de Lescheqer. Et q̃ le Chanceller ne le Tresorer Dirland ne atfminent nulle d[ette] q̃ passe CCC. libres santz lassent de le Justice Dirlande ou son lieutenant. Et soit enquis de ceux q̃ ont resceux les deniers en pais * nont pas acqitez les pties et [soit] fait droit *c̃.

- C. Ensement est ordinez q nul ple de dette ne de acompte ne [autre] coe plee soit plede en Lescheqer forspis de ceux q democrent ouesq. Ministres de [mes]me la place.
- C. Ensement sire des vescontz Coroners souzeschet's Baillifs res[ceuours] * autres votz Ministres q sont eslutz contre estatut cest assauoir Cink ou Sys front destreintz de venir * faire lur serement des queux ceux q ne voillent estre a la volente de votz Ministres fron ranceonez auant qils

hands of weak guardians, so, sire, that by default of not spending money in improving and keeping well the said seigniories and lands, these same and other neighbouring lands for that reason are much destroyed; whereupon, sire, may it please you to ordain remedy.

Let the ordinance heretofore made in this case be viewed, Answer. and if there be anything therein to amend, let it be amended, Ordinance hereon to be and sent into in Ireland, and performed in all points.

XIX. Likewise, sire, each year there come from your Exchequer of Dublin two of your officers, at your costs, to try the distrain where "Green Wax," in every county, and when terms are assigned by your said officers to debtors to pay what can be levied, as is found by verdict of inquest, for making which inquest and attermining the debt, each of the debtors gives freely of [his own] to the said officers, which thing done, immediately that your said officers come to your [said] Exchequer, they cause warrants to be sent to the sheriffs to distrain and levy the entire of everyone indebted, not having regard to the terms so granted, to the damage, sire, of yourself, and the oppression of [your] people, for which, sire, they pray remedy.

Be it forbidden that henceforth any debt be attermined out Answer. of the Exchequer, and that the Chancellor or Treasurer of Ire. No debt to be land attermine any [debt that] exceeds 300 pounds, without out of the the assent of the Justiciar of Ireland or his lieutenant; and let Exchequer. enquiry be made of those who have received money in the country, and have not acquitted the parties, and let right be done, &c.

Likewise it is ordained that no plea of debt or of account No common nor [other] common plea be pleaded in the Exchequer, save of Plea in the those who abide with the officers of the same place.

XX. Likewise, sire, of the sheriffs, coroners, under-es-Abuses in cheators, bailiffs, receivers and other your officers who are sheriffs, &c. elected contrary to the statute, that is to say, five or six be compelled to come and make their oath, of whom those who wish not to be at the will of your officers, be ransomed before

pussont estre deliurez « ceux q̃ voillent estre en office ferront pur quoi auant qils sront iures « ceux q̃ sront resceux en telle mafie sront remuez santz renable cause ou acompte rendre si nul autre vodra plus doner; Issint sire q̃ les successors de tiels vescontz nallowent mie les tailles ne les diuidendes lurs predecessours.

- C. Soit enquis de ceux q ont ensi greue le poeple * soient duemet puniz auxi bien a la suite de ptie come a la suite le Roi. Et lentencion le Roi est q les gentz de chescune Conte elisent chescun an en Lescheqer deuant le Chanceller Tresorer * autrs du consail psone suffissant q soit reseant * eit de quoi respondre au Roi en meisme le Conte pur loffice des vescontz Et q les vescontz eslutz en tele mafie demoergent en loffice p vn an sans estre remuez si noun p cause resonable; et q nt ils front ensi remuez soit fait nouelle eleccione p gentz des Contez en la mafie auantdit.
- C. Et pur ceo q ordeine est de nouelle en Engletre q ceux q sont vescontz soient auxi Eschet^rs en mesme les Contez ou ils sont vescontz si semble il au Roi q fait affaire en meisme la mafie en Irlande depuis q lescheto^r illeoqs prent xl. libres p an pur son fee * fet poi de profist. Mes ceste chose met le Roi en descretion del Justice Dirlande ou lieu tenant Chanceller Tresorer * autres du Consail de faire en mesme la mafie en Irlaund sils veient q ceo soit al pfit le Roi tantq le Roi soit ent meultz auiser. Et voet auxint le Roi q nul autre Ministre q resceiuera les deniers le Roi * soit acomptable ne soit fait ne resceu sil ne soit suffissant de respondre au Roi.
- C. Ensement sire coment vescontz ou autre officer q̃ soit arestuz sur son acompte en ṽre Escheqer € comande a la Marchalcie paiera chescune nuyt al Mareschal di Marc pur lur¹ fee quele chose sire lur semble gande opβssione.

they can be discharged, and those who are willing to be in office have to do somewhat before they be sworn, and those who be received in such manner be removed without reasonable cause, or rendering account, if any other be willing to give more, with the result, sire, that the successors of such sheriffs do not allow the tallies or the indentures of their predecessors.

Let enquiry be made as to those who have so aggrieved the Answer. people, and let them be duly punished, as well at the suit of the party, as at the King's suit. And it is the King's intention Sheriffs to be that the people of every county elect each year in the Exchequer, county each before the Chancellor, Treasurer and others of the Council, a year. sufficient person who is resident and has whereof to answer to the King in the same county, for the office of sheriff. the sheriffs elected in such manner remain in office for one year, without being removed, unless for reasonable cause, and when they shall be so removed, let a new election be made by the people of the counties, in manner aforesaid.

And inasmuch as it has been newly ordained in England Sheriffs to that those who are sheriffs be also escheators in the same as in England. counties where they are sheriffs, it seems to the King that it should be done in the same manner in Ireland, since the escheator there takes 40 pounds yearly for his fee, and makes little profit; but this matter the King places in the discretion of the Justiciar of Ireland or his lieutenant, the Chancellor, Treasurer and others of the Council, to do in the same manner in Ireland, if they see that this be to the profit of the King, until the King be thereof better advised. And the King also wills that any other officer who shall receive the King's money and be accountable, be not made nor received if he be not sufficient to answer to the King.

XXI. Likewise, sire, a sheriff or other officer who is arrested Fees to on his account in your Exchequer and commanded to the marshal by Marshalsea, has to pay every night to the Marshal half a mark for his fee, which thing, sire, seems to them great oppression.

- C. Soit fait en ceo cas come est fait en Engletre si lusage de la dite terre Dirland le demande & soit la mafie vewe & mandez en Irlande.
- C. Ensemet sire coment briefs sont mandez souent a prendre en vre maine fres de diûses [gentz] pur dette p malice * pur pndre auantage as Ministres et ceo encôtre coe [ley].
- C. Soit defenduz q nul Ministre le Roy ne face mes en la manere. Et soit enqis de ceux [q ou]nt ensi fait « soient puniz solone lur desert a la sute le Roi » de ptie.
- C. Ensement [sire] coment votz Ministres pnent vittailes & cariages en pais p lours garantz santz rienz [paier] saune relement coment qils purrent trouer assez des vittailles en villes Marchez [pur] lurs deniers. Et qant ils paient pr lours vittailles ceo serra a lur volente santz [rienz] paier pur cariage, et ceo auxi bien dez gentz de seinte eglise come dautres.

Soit defenduz q̃ les Ministres le Roi ne facent pise des vittailles ne ne βeignent cariage si necessite ne la demande pur les bosoignes le Roi « adonq̃s paiont ils pur [les ditz] vittailles « cariages couenablemēt come est fait en EnglePre sauue toutz foitz q̃ le Chief Justice ou son lieutenant purra βndre vittailles « cariages pur lurs deniers paier solonc la pise le Roi et les vsages resonablemēt auant ces hures illeoq̃s vsez. Et si nul eit fait al encontre soit puniz come deuant.

Ensemet sire votz Ministres font crier real suice pmi vre dite re santz assent des gutz de vre dite re santz necessite mettent les suices q deussent estre faitz p corps en deniers a gande oppssione de poeple.

C. Il est al Justice de faire somondre les suices le Roi quele hure qil voie q̃ mest soit de chiuacher de gerre² q̃ est de

coment here in Close Roll.
2 en terre inserted here in Close Roll.

Be it done in this case as is done in England, if the Answer. usage of the said land of Ireland require it, and let the manner To be as in England. be viewed and sent into Ireland.

XXII. Likewise, sire, writs are often sent to take into your Writs hand lands of divers [people] for debt, through malice and to through malice, &c. take advantage to the officers, and this against the common [law.]

Be it forbidden that any officer of the King act in this Answer. manner. And let enquiry be made of those who have so done. and let them be punished according to their desert at the suit of the King and of the party.

XXIII. Likewise, sire, your officers take victuals and King's officers carriages in the country by their warrants, without [paying] &c., without anything save by regulation, although they can find enough payment. victuals in the market towns for their money. And when they pay for their victuals, this shall be at their will, without paying [anything] for carriage, and this as well of people of Holy Church as of others.

Be it forbidden that the King's officers make prise of victuals Answer. or take carriages unless necessity demand it for the King's needs, unless of and then that they pay for [the said] victuals and carriages necessity. suitably, as is done in England, save always that the Chief Justiciar or his lieutenant shall have power to take victuals and carriages for payment of their money, according to the King's prisage and the usages reasonably heretofore accustomed; and if any have done to the contrary, let him be punished as before.

XXIV .- Likewise, sire, your officers make summons to the Royal service royal service throughout your said land, without assent of the compounded for in money. people of your said land and without necessity, and they compound in money for the services which ought to be performed in person, to the great oppression of the people.

It appertains to the Justiciar to make summons to the King's Answer. service, whenever he sees that there be necessity to ride to war, to summon The Justician in land which is at war, and was at the time that these who owe to the King's

take victuals,

guerre * feust al temps q ceux q deiuent celles suices furent feffez * q les suices le Roi se facent en corps ou en deniers solonc la tenure de lours feffementz.

- C. Ensemet sire come ylisoient en chescuñ Marche de vre dite re Dirland assez e plus des Irreis enemys de greuer vos gentz Engleis q ne sont de poer de les arester sauue la grace de dieu q lur meintient sire plus lur greue les extorcions e oppsiones de votz Ministres q ne fait la guerre des ditz Irreys Car sire qant votz Ministres soient en Contez a tenir plees ils afficient ceux q meinent en Marche greuousement santz auoir regard de lur meschief.
- C. Soient afficiez resonablemet * afferez solone la fourme de la gande chre.
- C. Ensement sire coment Peers de la fre Ministres & autres gentz sont pis & empisonez santz enditement & lours bens & chateux seisiz en vre main dont sire rienz ne vient a vre pôt e ne poent pas estre deliurez al la ley mais sont detenutz en pisone a la volente de votz ditz Ministres quele chose sire lour semble gande oppssione.
- C. Soit defendu au Chanceller qil ne face chose q soit encontre sun sment e qil ne soeffre nul breef passer le seal le Roi sil nel poet auower p la ley e qils mandent as toutz Ministres qil ne peignent les corps ne les fres de nully santz enqueste q pra estre auowe p ley.
- C. Ensement pur ceo qil est vsee en Engletre qil y soient en chescun port de la dite tre deux custums vne Contrerouleur vne tronour coket de resceuire toutz maneres des Custumes, si voet le Roi q hom face en meisme la mañe en Irland quils y soient eslus deuant le Justice ou son lieutenant Chanceller Tresorer q auts de Consail illeoqs, q q le fee q les Custums soloient padre tourne desore au pfit le Roi.

such services were enfeoffed; and that the King's services be rendered in person or in money, according to the tenure of their feoffments.

XXV.—Likewise, sire, although there be in every march of Dwellers in your said land of Ireland, enough and more of the Irish heavily enemies to trouble your English people, who have not power amerced. to stop them, save the grace of God, which maintains them, sire; still more do the extortions and oppressions of your officers trouble them than does the war with the said Irish; for, sire, when your officers are in the counties for the purpose of holding pleas, they amerce those who dwell in the march heavily, without having regard to their misfortune.

Let them be amerced reasonably, and assessed according Answer. To be reasonto the form of the great charter. ably amerced.

XXVI.—Likewise, sire, peers of the realm, officers and Imprisonment other people are taken and imprisoned without indictment, and without indictment, their goods and chattels seized into your hand, of which, sire, and seizure of nothing comes to your profit, and they cannot be delivered to the law, but are detained in prison at the will of your said officers, which thing, sire, seems to them great oppression.

Be it forbidden to the Chancellor that he do anything that Answer. may be contrary to his oath, and that he suffer not any writ writs not to to pass the King's seal, if he cannot avow by the law, and that unless the they command all officers that they take not the bodies or the can avow. lands of any, without inquest which can be avowed by law.

XXVII.—Likewise, inasmuch as it is used in England, that Customers. there be in every port of the said land two customers, one &c., in ports, as in England. controller, and one weigher, and cocket to receive all manner of customs, the King wills that it be done in the same manner in Ireland, and that they be chosen before the Justiciar or his lieutenant, the Chancellor, Treasurer, and others of the Council there, and that the fee which the customers were wont to take be turned henceforth to the King's profit.

C. Ensement voet le Roi q vne clerc des gages de gerre soit fait p comissione Denglere, et qil sruoye ₹ mette en escript le nombre des gentz darmes « dautr⁹s q resceuirent gages & des toutz les chiuaux q sront prises qant le Justice ou son lieutenant chiuauchera de gerre * le pris de meismes les chiuaux p vewe de Mareschal del host & ceux q deiuent tenir gentz darmes en êten sur lur fee ne Beignent rienz pur le noumbre qils deuroient de reson tenir [mais] pur ceux qils tendront outre dencresce € ceo qant necessite le demande € ne [my au]trement. Et q nul Ministre ne Beigne rienz pur sa meinee qil tient adesse[ment] si noun son fee acostume. q nuls tiels gages soient paiez si noun p meisme [ceste] clerc, et qil soit acomptable en lescheqer illeoqs ne q restore des chiuaux [se face] santz la vewe & tesmoignance des auantditz clerc * Mareschal solonc ceo [qil] est vsee en guerre.

¹ The King to his beloved and faithful archbishops, bishops, earls, barons and commonalty of the cities, burghs and towns of his land of Ireland, greeting. We have heard the letters which you have sent by our beloved and faithful brother John Archer, prior of the Hospital of St. John of Jerusalem in Ireland, and Sir Thomas de Wogan, and the explanations, together with the requests which they have made to us on your part. Accordingly, we cause you to know that the said prior and Sir Thomas have well and discreetly made us acquainted with the state of our said land, and much commended your good disposition towards us, which we regard with satisfaction, and we are sensible of your very good concern therein. And so it is greatly at our heart to make fitting ordinances for the good government of the said land, to the honour of God, and maintenance of the law, and for the profit and ease of ourselves and of you. To which end, you will, as far as to you and every of you appertains, lend your aid and counsel, according to your judgment and power, and always act towards us, in accordance with your duty, and thereupon you will find us so gracious towards you, that you yourselves shall be reasonably contented. And so we have had ample deliberation on your said petitions, and by good advice of the wise men of our council,

The purport of the answers severally to each of them.

Which petitions, together with the said answers, we have caused to be delivered to the said prior, our chancellor, and to the said Sir Thomas, to be published sealed under our great seal, to carry back to our said land, to the end that and observed in Ireland.

 $^{^{1}}$ The text taken from Close Roll (Engl.) 16 Edward III., part 1, m. 24d. is found in Rymer's Fadera, vol. II., part 2, p. 1193.

Likewise, the King wills that a clerk of the war-pay be Clerk of warappointed by commission out of England, and that he survey pay to be appointed and put in writing the number of men at arms and others who his duties. shall receive pay, and of all the horses which shall be taken in prise, when the Justiciar or his lieutenant shall ride forth to war, and the price of the said horses by view of the marshal of the host, and that those who ought to keep a fixed number of men at arms upon their fee take nothing for the number that they ought of right to keep, [but only] for those that they shall keep over and above, and this when necessity demands, and not otherwise. And that no officer take anything for his household that he constantly retains, save his accustomed fee. And that no such wages be paid except by the said clerk, and that he be accountable in the Exchequer there, and that restitution of the horses be not made, without the view and witness of the aforesaid clerk and marshal, according to what is accustomed in war.

they be there published and observed, according to the purport of the said answers in all points.

And whereas we lately thought, with God's help, of going in force to add for expedi-France for the recovery of our rights, and arranged to have then a band tion to France. of our good men of Ireland in our company, as in our mandates given to our officers of those parts, which they can show you is more fully contained. So we pray and charge you that, for the effectual and speedy accomplishment of our said mandates, you will so give aid, that we may

the better feel your affection, which always displays itself best in need.

And whereas certain articles were ordained as a statute in our parlia. Repeal of ment held at Westminster in the quinzaine of Easter in the fifteenth Westminster. year of our reign, now the said statute, for good and just cause, is duly 15 Ed. III. and altogether repealed, and accordingly our writs sent throughout our realm of England for publishing the same, are repealed.

Accordingly, we will that none in our said land of Ireland cause the

said statute to be published or observed, but that it be not observed by any one, and be void in all respects.

Given at Westminster the 14th day of April.

^{&#}x27;See Statutes of the Realm, I. p. 295. There is now no trace of any writ or ordinance transmitting this Statute for observance in Ireland.

18 EDWARD III. A.D. 1344

[CLOSE ROLL, 18 EDWARD III. ART. 134.]

Breve pro Rege de proclamacone facienda.

EX Senescallo libtatis Kyldar salim Quia Les Obrynnes U les Otothils les M'murghes & les Onolans hibnici vna cū complicib; suis * sequela sua iam de guerra conta nos * fidelem populū ñrm insurrexerunt homicidia depdacones incendia * alia mala que pofunt indies ppetrando Tibi Beipim? qd infra libtatem pdcam diebz & locis quibz melius expedire videris publice ex pte ñra pelamari fac ne qui cuiuscuq status seu condicois filint sub forisfeura oim que erga nos forisface pofunt aliqua victualia equos aut armaturas quascumq eisdem hibnicis dum sic de guerra existant ministrent mittent aut vendant quoquo modo, ac eciam publice infra libtate illam similif pelamari fac qd vna pax e vna guerra p totam fram ñram Hibñ teneat^r. Ita qd si guerra in vno Com p conuicinos Hibnicos moueatr qd omes Com adiacentes eidem Com sic de guerra gavati succurrant € auxilient ad guerram illam p virib; sedand iuxa forma cuiusdam ordinacois in pliamento nro nup apud Dublin tento de coi consilio Pre nre Bdce fce, quos post pelamaconem huiusmodi rebelles aut conteriantes inuesiis de nõib; eoz Justič ñro Hibn sub sigillo tuo distincte * apte constare fac. T. Rado de Ufford Justic ñro Hibn apud Dubliñ xviii die Julii.

Consimilia bria dirigunt^r senescallis libtatū Kylkenn e Weyseford e vic Cath.

18 EDWARD III. A.D. 1344.

THE King to the seneschal of the liberty of Kildare, Writ by the greeting. Whereas the O'Byrnes, the O'Tooles, making the M'Murghes, and the O'Nolans, Irishmen, their accomplices and following, have now risen against us and our faithful people, in daily perpetrating to the utmost of their power, homicides, depredations, burnings, and other evils, we command you that you cause to be publicly proclaimed on our behalf within the liberty aforesaid, on the days and at the places that you may think best, that none, of whatsoever state or condition they be, under pain of forfeiting everything that they None to can forfeit to us, supply, send, or in any manner sell to the supply the said Irish while so at war, any victuals, horses or arms; and against the also cause to be proclaimed publicly within the said liberty that King. one peace and one war be observed throughout our entire One peace and one war land of Ireland. So that if war be stirred up in one county throughout by the neighbouring Irish, that all the counties adjacent to the said county so burdened with war may aid and help in putting an end to that war with all their power, according to the form of a certain ordinance made in our parliament lately held at Dublin by the common council of our aforesaid land. And if. after such proclamation, you find any rebellious or gainsayers, that you cause their names distinctly and openly to appear under your seal, to our Justiciar of Ireland.

Witness Ralph de Ufford, our justiciar of Ireland, at Dublin the 18th day of July.

Like writs are directed to the seneschals of the liberties of Kilkenny, and Wexford, and the sheriff of Carlow.

King as to together proclamation.

23 EDWARD III. A.D. 1349.

[LIBER ALBUS, CORPORATION OF DUBLIN, FOL. 91b.]1 Hic incipiunt statuta de seruientibus et operariis.

DWARDUS dei gra Rex Angt & ffrancie & Dns Hibn Maiori * baltis Ciuitat sue Dublin sattm. Quia magna pars populi * maxime oparioz * seruientū iam in ista pestilencia est defuncta, nonnulli videntes necessitate dnos e paucitate suientū seruire nolunt nisi salaria recipiant excessiua * alii mendicare malentes in ocio qam per laborem querere victū suū, Nos pensantes gauia que ex carencia psertim cultos * oparioz hui'modi Buenire' possent incomoda, sup hoc cum platis * nobilib3 * pitis aliis nobis assistentib3, delibacoem habuimº e tactatum, de quos vnanimi consensu e cosilio duximus ordinand qd quilibet homo & femina regni ñri Angl cui°cua condicois fuerit libe vi suilis potens in corpe * infra etate sexaginta annoz non viueus de filcatura, nº ctum excens artificiu nº hens de suo ppio vnde vide, vi fram ppiam circa culturam cuiº se posit occupar e alsi no suiens si de suiendo D. recusando. in seruico cogruo considerato statu suo fuit requisitus suire teneatr illi-qui eū sic duxit requirend * pcipiat dūtaxat, vadia libacoes medes seu salaria que in locis voi seruire debeat consueta sunt Bstari anno r n Angt vicesimo vi annis coib; qinq, vi sex annox 3 Beedentibs. Proviso qd dni Bferant aliis in Natiuis vi fram suam Natiuam s tenentib; in suico suo retinend. Ita în qd hui?modi dni sic retineant tot quot sibi fuint necessarii, & non plures. Et si talis vir vi mulier sic de suiendo requisito fuit vi requisita e hoc face nolueriut, hoc phato p duos fideles hõies coram vic, Baltio, dno, aut constabulario ville vi hoc fieri contigit, statim p eos vi cos

de serviendo.

alique capiat" * mittat" pxio gaole * ibide sub arta moret" custodia quousq inuessit securitate de suiend in for saca.

¹ The statute of Labourers, enacted in England, 23 Edward III., was transmitted to the various sheriffs by writs, which commanded them to publish it in the cities, towns, &c., within their bailiwicks. A similar course was probably adopted at the time with reference to its observance in Ireland, but the only copy known to exist is the above, contained in a writ specially addressed to the mayor, &c., of Dublin. Clause 14 of the ordinances, enacted in a great council held at Kilkenny two years later, viz, in 1351, (which see) provided that the statute of Labourers should be sent by writ to all sheriffs, mayors, &c. Where the original of above is defective, omissions have been supplied from the text printed in Statutes of the Realm, I., p. 307, taken from Close Roll (Eng.), 23 Edw. III., pt. 1, m. 8d.

² provenire in Close Roll. ³ Omitted in Close Roll.

23 EDWARD III. A.D. 1349.

HERE BEGIN THE STATUTES CONCERNING SERVANTS AND LABOURERS.

DWARD by the grace of God, king of England and France and lord of Ireland, to the Mayor and bailiffs of his city of Dublin, greeting. Inasmuch as a great part of the people, and especially of labourers and servants, have lately died in the present plague, some, seeing the necessity of masters and scarcity of servants, are unwilling to serve unless Scarcity of they receive excessive wages, and others prefer to beg in laziness servants. rather than obtain their livelihood by labour; we, considering the serious inconveniences which might arise from a lack especially of husbandmen and such labourers, have hereupon had deliberation and treaty with the prelates and nobles and other experienced men assisting us, by whose unanimous consent and advice we have thought fit to ordain, that every man Who shall be and woman of our realm of England, of whatsoever condition, bound to when free or servile, being able in body and under the age of required. sixty years, not living by trading, or practising a certain craft, or having a livelihood of his own private property, or land of his own, in the husbandry of which he can occupy himself, and not serving another, if he shall be required to serve in suitable service, considering his condition, be bound to serve him who shall think fit to require him, and receive only the wages, liveries, rewards or salaries which were Rate of wages. customary to be offered in the places where he ought to serve, in the twentieth year of our reign, of England, or in the five or six ordinary years preceding; provided that the lords be preferred to others in the retention in their service of villeins or tenants of their villein land, so nevertheless that such lords And if Those refusthus retain as many as they shall need and no more. such man or woman be thus required to serve and refuse to do ing service to so, upon proof hereof by two faithful men before the sheriff, bailiff, lord or constable of the town where this shall occur, that he or she immediately be taken by them or any of them, and sent to the nearest gaol, and there remain under close guard until he find surety to serve in form aforesaid.

be imprisoned.

si aliquis [messor falcator aut alius operarius vel seruiens cuiuscunq status fuit seu conditionis 1 in suico alic sic fine Pmini concordati a deo suico abeq retent° aute causa ronabili vi licencia recesserit, [penam imprisonamenti subeat, et]2 nullus sub [eadem]2 pena impisonamti3 talem in suico suo recipe vi retinere psumat. Nullus ecia vadia libacoes mcedes seu salaria maiora solito sicut pdcm est soluat vi soluere psumate sub pena dupli illius qd sic soluerit vel solvere promiserit,5 illì qui ex hoc senserit se gaustu, et nullo tali volēte psequi tunc cuicuq de pplo qui hoc psecut' fuit applicand * fiat hui°modi psecuco in Cur dni loci quo talis [casus]2 acciderit. Et si d'ui villas vi Maffios conta fisente. ordinacoem ñram p se vi p ministros suos [in aliquo venire Bsumpserint, tunc in Com Wapentach & Trithingis, vel aliis Cur nris huiusmodi ad pena tripti p eos vel ministros suos]2 sic soluti vi pmissi in forma sidea, fiat psecuco conta eos. Et si forsan aliquis ante Bsentem ordinacoem cu aliquo de suiendo p maiori salario connessit, ipe rone dee conuencois ad soluendu ulta id qd alias tali consuetū est solde, minime teneat, immo solde plus sub pena fidča no fisumat.

Item qd sellar, pelliparii, allutarii, sutores, Cissores, ffabri, carpentar, cementarii, Tegular, batellar, cartar € quicumq alii artifices * operarii no capiant p labore * artifico suo ultra id ad deo anno vicesimo & aliis comunib; annis Beedetib; vt βmittit^r in locis quib3 eos operari contigit talib3 solui cosueuit. Et si quis plus recepit, pxio geolo modo quo smittitur comittatr.

Itm qd carnifices, piscenar, hostellar, Braciatores, pistores * pulletarii * omes alii venditores victualiu quoscuque teneant Bcio racionabili, victualia vendere Ð hui⁹modi

These words are added in a 19th century hand. They occur in the Close Roll.

Added from Close Roll.

a Omitted in Close Roll.

⁴ promittat in Close Roll.
5 "solutum promissum fuerit, aut exactum vel receptum" in Close Roll.

And if any [reaper, mower or other labourer or servant, of Labourers whatsoever state or condition he be], thus retained in the departing from service service of anyone, before the end of the term agreed upon, leave the said service without reasonable cause or licence, [that he undergo the penalty of imprisonment, and] that no one, under [the said] penalty of imprisonment, presume to receive or retain such an one in his service.

Further, that none pay or promise to pay greater wages, The old wages, liveries, rewards or salaries than are customary, as is afore-shall be given said, under penalty of twice the amount that he shall so pay to servants. or promise to pay, to be applied to him who shall hereby feel himself aggrieved, and if no such person is willing to prosecute, then to anyone of the people who shall prosecute this [offence]; and that such suit be made in the court of the lord of the place in which such event occurs. And if the lords of the towns Lords of or manors [presume in any point to contravene] our present manors offendordinance by themselves or by their servants, then that suit ing shall be made against them [in the counties, wapentakes and value. trithings or such other our courts, for the penalty of treble what was so paid or promised by them or their servants in form aforesaid. And if it happen that anyone, before the present ordinance, has agreed with any to serve for a higher salary, that he be not bound, by reason of the said agreement, to pay anything beyond what it is customary to pay otherwise to such, but that he presume not to pay more, under the penalty aforesaid.

Also that saddlers, skinners, curriers, cordwainers, tailors, Wages of smiths, carpenters, masons, tilers, boatmen, carters and all artificers. other craftsmen and workmen take not for their labour and craft beyond what was accustomed to be paid to such in the said twentieth year and other preceding ordinary years, as aforesaid, in the places in which they shall happen to work, and if any take more, that he be committed to the nearest gaol in the manner aforesaid.

Also that butchers, fishmongers, innkeepers, brewers, bakers, Victuals shall and poulterers and all other sellers of victuals whatsoever be sold at reasonable be bound to sell such victuals at a reasonable price, considera-prices.

consideraçõe ad Beiu quo hui?modi victualia in locis ppinquis Ita qd heant hui'modi venditores moderatū lucrū nō excessiuū, put distancia locoz a quibz victualia huiusmodi cariantur duxit ronabilit requirend. Et si quis victualia hui°modi alio modo vendiderit € inde in forma Bcca couictus fuit, soluat duplum illius qd sic cepit dampnificato, vt in defectum illi9 alfi qui psequi voluit in hac pte. Dantes vob tenore Bsenciù potestate ad Inquirenc infra villam Bdcam de omiby & singulis qui conta hoc in aliquo deliquerint, & ad penam Bdcam ad op' illoz ad quoz sectam hui'modi delinquentes conuicti fuint leuand. Et in casu quo vos execucoem pmissoz face neclexeritis * de hoc coram Justic p nos assignand conuicti fueritis, tūc vos ad tiplū rei sic vendite hui'modi dampnificatis, vt all'i in defectū illoz psequenl'i soluend p eosdem Justič compellemini * nichilomin' [sus nos]2 gavitr puniemini.

Et q multi validi mendicantes q^amdiu possint ex mendicatis elemosinis viûe, laborare renuūt vacando ociis * p^ccatis * q^andoque latrociniis * aliis flagitiis, nullus sub pena inpⁱsonam̃ti βdca talib; qui cōmode laborare potint, sub colore pietatis vt elemosine quicq^am dare seu eos in sua desidia confouere βsumat vt sic cōpellant^r p vite necessar laborare. Vobis mandam^a firmit [in]iungentes qd βmissa omia * singula infra Ciuitatē βdcam pupplice pelamar * tefti, execucoemq inde debitam fieri faciai sicut βdcam est. Et hoc sicut nos * cōem vtilitatem tre ñre Hibñ diligitis, * vos ipos indēpnos saluare volueritis nullaten^a omittatis. T. Wiltmo^a de Birmyngh^am, Justic ñro Hibñ apud Cath xxvj die Aug anno r angt vicesimo teio r vo ñre ffranc decimo.

p bre de Angt.

¹ So in MS. for prosequenti,

² Added from Close Roll.

Becte Waltero,

tion being had to the price at which such victuals are sold in neighbouring places. Provided that such sellers have a moderate profit, not excessive, according as the distance of the places from which such victuals are conveyed, make it reasonable to demand. And if anyone sell such victuals in other manner and thereof be convicted in form aforesaid, that he pay double the amount that he shall have so received to the injured party, or in default of him to the other who will prosecute in this behalf. Giving to you, by the tenor Power to of these presents, power to enquire within the said town mayor and bailiffs to concerning all and singular who offend in anything against enquire as to this, and to levy the said penalty for the behoof of those at whose suit such offenders shall be convicted. And in case Penalty you neglect to make execution of the premises, and be convicted against them for neglihereof before Justices to be appointed by us, then that you be gence. compelled by the said Justices to pay to such injured parties or to the other who prosecutes in their default, treble the value of the thing so sold, and nevertheless be severely punished

offenders.

And inasmuch as many sturdy beggars, so long as they can No one to give live on alms which they beg, refuse to work in order to have to a beggar opportunity for laziness and wrong-doing, and sometimes for robberies and other crimes, that no one under the said penalty of imprisonment presume, under pretext of piety or alms, to give anything to such as can conveniently work, or to foster them in their sloth, that so they may be compelled to work for the necessaries of life.

[toward us.]

able to labour.

We command, firmly enjoining you, that you cause all and singular the premises to be publicly proclaimed and kept within the said city, and due execution done thereof, as is aforesaid. And that this, as you love us and the general profit of our land of Ireland, and wish to preserve yourselves unharmed, you in no wise omit. Witness Walter de Birmyngham, our Justiciar of Ireland, at Carlow the 26th day of August in the twenty-third year of our reign of England, and of France the tenth.

By writ out of England.

24 EDWARD III. A.D. 1349-50.

[RED BOOK OF THE EXCHEQUER IN IRELAND, FOL. 2.]

ITM eisdem anno * rotulo¹ (i.e. in rotul Memorand Sc*cii v° rotulo, anno r̃ r̃ E. fcii xxiiii) constat p tras patent de Angt q̃d scdm statut editū in Angt Magnates in Angt hentes fras in hibū heant ibm hõies ad arma * si non heant tunc post certificacoem dcis Magnat factam Justic hibū Canc * Theò de exit fras βdcas ad ipas defendend ordinent voluntate sua *c. Cest estat¹ appit a secundo folio inferi°² mez [autrement] est ore use p lestatut Ric ij⁴ R Angt.³

¹ This membrane of the Memoranda Roll of the Exchequer 24 Ed. III., which, from a small portion still remaining, would appear to have contained enrolments of writs out of England of that year, was cut away. From the statement as to the statute being found recited in it, it must have been regularly transmitted for observance in Ireland (i.e.) for the carrying out of certain of its provisions applicable in this country. In the absence of any transcript, it has been thought best to print here the memorandum from the Red Book, and an extract in which certain of its provisions are recited, taken from a writ addressed to the Archbishop of Armagh, dated 18 Feb., in reference to its execution in this country.

It may be observed that in Rotuli Parliamentorum, among the businesses touching the land of Ireland transacted in a Parliament of Westminster held at Mich., 5 Ed. III. (1331) writs were directed to be sent to all the sheriffs of England, commanding them to proclaim that all who had lands in Ireland should cause them to be guarded, &c. Possibly this enactment is the one referred to in the proceedings of 24 Ed. III., at which period its provisions may have been more vigorously put in execution.

² Not now in the Red Book,

⁸ See 3 Ric. II.

24 EDWARD III. A.D. 1349-50.

LSO in the same year and roll [Memoranda Roll of the Exchequer, 24 Edward III., r. 5] it appears by letters patent out of England that, according to a statute enacted in England, magnates in England having lands in Ireland should Magnates in have there men at arms, and if they have not, then after noti- England having lands fication made to the said magnates, the Justiciar, chancellor in Ireland, and treasurer of Ireland, out of the issues of the said lands, men at arms. should arrange for the defence of the same, at their pleasure, This statute appears second leaf below, but the practice is now different, under a statute of Richard II., King of England.

to have there

Rymer's Fædera, Vol. III., pt. 1, p. 192.1

From the grievous complaint of our faithful subjects of Ireland in our general parliament lately assembled at with the consent of the whole parliament, we have thought fit to ordain that nobles and others whosoever, having lordships Issues of lands and lands there, should by themselves or by others vigorously detending defend the same, with the issues thereof, against such warlike them. attacks; otherwise we should cause such issues and profits of their lands to be collected and applied for the defence thereof by others.

^{&#}x27;Text taken from Rot. Rom. 24 Ed. III. m. 1.

25 EDWARD III. A.D. 1351.

[MEMORANDA ROLL OF THE EXCHEQUER IN TRELAND.

25 AND 26 EDWARD III., m. 13 f.]

NS Rex mandauit quoddam bre suu Thes Baronib3 & Camerar suis de scacio Dublin in hec ba. dei gra Rex Angt & ffranc & Das Hiba Thes Baron & Camar suis de scacio Dublin, sattm. Quasda ordinacoes1 in magno consilio nro apud Kilkenn die lune px ante festu oim scos px prito tento, de assensu Prelatoz quaten, de iure hiis consentir pofunt Comitū Baroñ & Cŏitatum fre ñre Hibñ ibidem existenciù p meliori regimine eiusdem fre & quiete populi nri ibidem, ac refrenacoe e punicoe malefcos noie no fcas vob mittim⁹ insertas in quodam rotulo sub pede sigilli ñri Mandantes qd statim visis psentib; dcas ordinacoes in scacio Pcco publice legi * eas quantū ad vos ptinet obseruari * teneri fac. T.' Thoma de Rokeby Justic nro Hibn apud Kilkenn x die Novembr anno r n Angt vicesimo quinto r vero n ffranc duodecimo. Quequidem ordinacoes irrotulant^r hic in forma que sequit^r Nre seign^r le Roi Dengle^cre * de ffrance * seign^r Dirlande & son conseil de mesme sa fre Dirlande desirantz la mayntenance de lestat de seint eglise & le bon gounement de son poeple Dirlande e la sauue garde de sa pees e la mayntenance de les bones leyes illoges e la chastiement e punissement auxint de malfesours « autrs malueys gentz « amendement de tortz * greuances faites a mesme son poeple sur les greuouses pleyntes des cões de sa dite Pre appelletz a son gant conseil tenuz a Dyuelyn le Lundy pchein deuant la feste de seint Luc le Ewangelist, et auxint a vn autre son

¹ Of the 25 clauses of which these ordinances consist, nineteen are found in almost the same words in the Statute of Kilkenny, 40 Edw. III., (1866). See post. In the following table, the first column shows the clauses in the ordinances, and the second the corresponding chapters in the Statute:—

I.	1.	VII.	22.	XVI.	4.
II.	17.	VIII.	23.	XVII.	29.
III.	18.	IX. X.	24.	XX.	3 0.
IV.	19.	X.	25.	XXI.	31.
v.	20.	XIII.	27.	XXII.	26.
VI.	21.	XV.	28.	XXIII.	32.
		i		XXIV	98

25 EDWARD III. A.D. 1351.

THE lord the King sent his writ to his Treasurer, Barons and Chamberlains of the Exchequer in Dublin in these words; Edward by the grace of God, king of England and France, and lord of Ireland, to his Treasurer, Barons and Chamberlains of the Exchequer of Dublin, greeting. ordinances made in our name in our great council held at Kilkenny on Monday next before the feast of All Saints last past, with the assent of the Prelates (as far as of right they can consent to them), of the Earls, Barons and commonalty of our land of Ireland there being, for the better regulation of that land and peace of our people there, and the curbing and punishing of malefactors, We send you, inserted in a certain roll under foot of our seal, commanding that immediately on sight of these presents, the said ordinances in the said Exchequer you cause publicly read, and these as far as pertain to you, to be observed Witness Thomas de Rokeby, our Justiciar of Ireland at Kilkenny the tenth day of November in the twentyfifth year of our reign of England, and of France the twelfth. Which ordinances are enrolled here in form following:-Our lord the King of England and of France and lord of Ireland. and his council of his said land of Ireland, desiring the maintenance of the estate of Holy Church and the good government of his people of Ireland, and the preservation of his peace. and the maintenance of good laws there, and also the chastisement and punishment of malefactors and other evil people, and the amendment of wrongs and grievances committed against his said people, upon the grievous complaints of the commons of his said land, summoned to his great council held at Dublin the Monday next before the feast of St. Luke the

gent conseil tenus a Kilkenn le Lundyn pchein deuant la feste de toutz seyntz lan du regne mesme nre seign le Roi vintisme quint, si sont ordeinez e establiez p le dit conseil nre seign le Roi a Kilkenn en noun meisme nre seign le Roi del assent des Prelatz de ceo q ptient a eux de assentir Countes Barones e autres cões de meisme la re illoqes esteantz al honur de dieu e de seint Eglise e p le bon goûnement de sa dite re Dirlande e quiete de son poeple e p les leyes meoltz garder e les messesours chastier come desus est dit les choses e articles sutz esciptz a tenir e garder pleynement sur les peynes contenuz en ycelles.

Primerement que seinte eglise soit franche è eyt totes ses franchises santz enblemissement € q̃ totes les articles contenuz en la gant chartre le Roi soient en tous poyntz tenus fermes & estables. Itm nre seign' le Roi defent sur forfeture de vie & de membre q nul de quel estat ou condicion qil soit ne teigne kernys hobellours ne vdiues gentz en Pre de pees a greuer le loial poeple nre seign' le Roi mes qi les voille tenir les teigne en la marche a ses coustages ppres saunz rien pndre de nuly encountre sa volente et si aueigne q nul hôme de kerne ou nul autre pigne nul masse des vittailes ou autre biens de nuly encountre sa volente, soit hu * crie leue sr lui * soit pis * mande a la gaole sil se voille rendre, et si noun mes faire resistence a force isint qil ne voille lattachement suffrir, soit fait de lui come de Robiour apert « tiele mafie pise soit tenu pr roberie. Et en cas q tiels mesfessours defuent lattachement q nul home les purra padre adonge respoigne son seign ou le menour pr lui * face gre a la ptie quet issint endamage, et sil ne face gre a la ptie, eyt le Roi la sute deûs lui si bien pr lui meismes come pr la ptie & ceaux q ne leuent a celes hu & crie

Evangelist, and also to another his great council held at Kilkenny the Monday next before the feast of All Saints, in the twenty-fifth year of the reign of our said lord the King, there were ordained and established by the said council of our lord the King at Kilkenny, in the name of our said lord the King, with the assent of the Prelates (as far as it pertains to them to assent), Earls, Barons, and others the commonalty of the said land there being; for the honour of God and of Holy Church, and for the good government of his said land of Ireland, and peace of his people, and for the better keeping the laws and chastising cvil-doers, as is aforesaid, the things and articles under-written to hold and guard the same, fully, upon the penalties specially in them contained.

Firstly, that Holy Church be free and have all her franchises without infringement, and that all the articles contained in the Holy Church great charter of the King be in all points held firm and charter conestablished.

Also our lord the King forbids on pain of forfeiture of life and limb, that any person, of whatsoever estate or condition he No one to be, keep kernes hobelers or idlemen in land of peace, to harass &c., save at the loyal people of our lord the King, but that whoever wishes his own to have them, keep them in the march at his own costs, without taking any thing of any person against his will, and if it happen that any man of the kernes or any other take any manner of victuals or other goods of anyone against his will, that hue and cry be raised against him, and that Hue and cry he be taken and committed to gaol if he will surrender taking himself, and if not, but he forcibly resist so that he will not victuals suffer attachment, that then he be treated as an open owner's will. robber, and such manner of seizure [of victuals] be held as robbery. And in case that such malefactors fly from attachment so that no man can take them, then that his lord or the leader answer for him and make satisfaction to the party who is so endamaged; and if he make not satisfaction to the party, that the King have the suit against him, as well on his own behalf as for the party; and that those who do not rise at

free, great firmed.

soient tenus & puny come mayntenours des felouns, et si nul home tiegne ou meyne Kernys hobellours ou vdyues gentz autrement q desus est dit, eyt iuggement de vie e de membre * soient ses fres * tenementz forfetz. Itm soit vne crie fait q tous yeeux q sount ore vdyues gentz & voillent Bndre Pres du Roi veignent a la Justice Dirlande ou a Tresorer le Roi € Bignent Pres du Roi a ferme et sils voillent prodre des autrs seign's veignent a eux ou a lour seneschales en mesme la maîle. Itm q nules marchisez ne autres tiegnent plement ne dailiance oue nul Irryes ne Engleys q soit encountre la pees santz conge de la Court ou en psence de visconte nre seign le Roi ou des gardeyns de la pees si qils puissent veer qe tiele plement ou daliance soit pr comun pfit * nemy pr singuler et qi le face eyt lenpisonnement € soit reynt a la volente le Roi. Iîm acorde est q chescun cheueteyn de lynage en chescun Counte soit charge e lye a ñre seign' le Roi q si ascun de son lynage de sa aherdance ou de sa retenance quel il p^rra chastier ascun trespas ou felonie face, q le dit cheueteyn eyt power de findre les mesfesours & les detenir en prisonne tange ils soient delius p la ley, et si les dites cheueteyns les dites mesfesours ne voillent pndre mes les soeffrent aler alarge q adonqe les corps des dites cheueteyns soient pis pr eux & detenuz en pisone tange le corps des dites mesfesours soient renduz a la Court nre seign' le Roi de estre iustisables. Itm q vn pees & vn guerre soit p tut la Pre issint q si nul Irreys ou Engleys soit de gerre en nul Countee q les Countez envyroun les facent greuer * gerrer en lour marches meyntenant gent ils gront garnyz par les gardeyns de la pees du dit Countee ou p visconte ou la gerre sourdy, et sils ne facent soient tenus & punyz come mayntenours des felouns. Et si ceux du Countee ou la gerre sourdy socifrent lour marches estre destrus par les enemyz &

such hue and cry, be held and punished as maintainers of felons, and if any man keep or maintain kernes, hobelers or idlemen otherwise than is aforesaid, that he have judgment of life and of limb, and his lands and tenements be forfeited.

Also that proclamation be made that all those who are now idlemen and are willing to take lands of the King come to the Idlemen to Justiciar of Ireland, or to the King's treasurer, and take lands to farm. of the King to farm, and if they should desire to take them from other lords, that they come to them or to their seneschals in the same manner.

Also that no marchers or others hold parley or intercourse with any Irish or English who may be against the peace, As to parley, &c., between without leave of the court, or in presence of the sheriff of our marchers and lord the King, or of the wardens of the peace, so that these may the enemy. be able to see that such parley or intercourse be for common and not for individual profit, and that whoever does so, suffer imprisonment and be fined at the will of the King.

Also it is agreed that every chieftain of lineage in every county be charged and bound to our lord the King, that Chieftains to if any of his lineage, of his adherents or of his retainers own retainers, whom he can chastise, commit any trespass or felony, that the &c. said chieftain have power to take the malefactors and to detain them in prison until they be delivered by the law, and if the said chieftains will not take the said malefactors but suffer them to go at large, that then the bodies of the said chieftains be taken for them and detained in prison, until Penalty. the bodies of the said malefactors be delivered up to the court of our lord the King to be amenable to justice.

Also that one peace and one war be throughout the land, so that if any Irish or English be at war in any One peace and county, that the counties around harass them and make throughout war in their marches, as soon as they shall be warned Ireland. by the wardens of the peace of the said county or by the sheriff where the war arises, and if they do not, that they be held and punished as maintainers of felons. And if those of the county where the war arises suffer their marches to be de-

ne voillent leuer de arester la malice des enemyz aßs qils soient resonablement garnyz par les gardeyns de la pees ou par visconte ou crie leue en pays du dit Countee q adonges ils soient tenus come mayntenours des felouns et q les dites enemyz ne eyent de eux force eyde vides vitailles armures ne autre riens q vailler lour pra tanqe come ils soient a la gerre. Et si nul home les eyde des choses susdites tancome ils soient a la gerre * de ceo soit atteynt, soit tenu * puny Pur ceo q diuses gentz fount diuses robies * felonies en franchise * se fuent od lour biens en gyldable issint q les Ministres des franchises ne poent illoqes faire lour office ne les felouns ne lour biens findre mes sount illoges od lour biens recettez. Et auxint diffses gentz q font diffses robies e felonies en gyldable fuent od lour biens en la franchise issint q le Ministres are seign' le Roi ne poent illoges lour office faire, ne les felouns ne lour biens pindre mes sount illoges oue lour biens recettez. Acorde est & assentuz q si nul Ministre de la franchise face prsuyt sur nul tiel feloun en le gyldable q ceux de gyldable soient en eyde pr tiel mane feloun findre * lui deliver a dit Ministr ensemblementz oue les biens od lui trouez, et facent de ceo la life auxi bien de corps come des chateux a dit Ministr de faire ceo q a la ley appent et q ceux de la franchise facent en mesme la mafie a visconte nre seign' le Roi ou a ses Ministres q font la sute s' tiels felons q fount felonies & fuent od lour biens en franchise. Et si nul fait felonie en vn Countee & defu en autre Countee ou en franchise « illoqes demoert q le visconte de cel Countee ou la felonie se fyt eyt power a maunder p ses pceptes as viscontz ou seneschales de les pties ou le dit feloun demoert auxi biens dedeyns franchises come dehors a pindre le corps le dit feloun * del remaunder et q̃ les dites viscountes * seneschales soient obesantz chescun en tiel cas a Autry

stroyed by the enemies, and will not rise to check the malice of the enemies after they are reasonably warned by the wardens of the peace or by the sheriff, or cry has been raised throughout the said county, that then they be held as maintainers of felons, and that the said enemies shall not have of them force, aid, provisions, victuals, arms or any other things which may avail them while they be at war. And if any man assist them with the aforesaid things while they be at war and be thereof attainted, that he be deemed and punished as a traitor.

Because that divers people commit divers robberies and felonies in franchises, and flee with their goods to geldable land, Officers of franchises so that the officers of the franchises cannot there execute their may pursue office nor take the felons or their goods, but they are there geldable land, received with their goods. And also divers people that commit and sheriffs divers robberies and felonies in geldable land fly with their into goods into a franchise, so that the officers of our lord the King franchises. cannot there execute their office nor take the felons nor their goods, but they are there received with their goods. It is agreed and assented that if any officer of the franchise make pursuit of any such felon into geldable land, that those of the geldable land assist to take such manner of felon, and to deliver him to the said officer, together with the goods found with him. and thereupon make delivery, as well of the body as of the chattels to the said officer, to execute that which to the law pertains; and that those of the franchise act in the same manner to the sheriff of our lord the King or to his officers, who make pursuit of such felons felonies and fly with their goods into a franchise. And if any
Sheriffs and commit a felony in one county and fly into another county, or officers of one into a franchise, and there dwell, that the sheriff of that county county to aid those of where the felony is committed have power of command-another in ing by his precepts the sheriffs or seneschals of the parts taking felone. where the said felon dwells, as well within franchises as without, to take the body of the said felon and to send it back, and that the said sheriffs and seneschals be obedient, every of

may pursue

maundement et si nuls de Gyldable ou de fraunchise leuent en eyde de tiels mesfesours issint q les Ministres ne puissent lour office faire de eux qils scient tenus si noters felouns come ceux q font les robies e punyz en mesme la fourme. Ministres auaunditz soient remis en les execucions des maundementz susdites fair è de ceo soient attevntz soient aiugg a la pisone e reyntz a la volunte le Roi. Et nest pas lentencion le Roi ne du conseil q p tiel entree en la franchise ou maundement a seneschal q la franchise soit emblemy. Pur ceo q diuses gentz enfeffent lour enfantz ou autr's estraunges de lour fres & donent lour biens & chateux p fraud ou collusion de forbarrer nre seign' le Roi de sa dette & pties auxint de accion * recostyr, Acorde est * assentuz q tiel fessement * alienacion soient tenus pr nules et q le Roi * pties eyent execucion * recouyr de ses fres biens * chateux auxi bien come des tres le dit alienour ppres, et si cas aueigne q si ascun home soit en pros de leuer de gerre encontre le Roi ou de ascune felonie fair, et p cele cause enfesse ascun home de ces fres pr faire tiels felonies * tresons abs le feffement q si aßs il soit atteynt de les traisons ou felonies susdites q celes Fres susdites en qi mayns qils deuendrent soient forfaitz nyent contreesteant le fessement come sils suissent en sa Et eyt cest ordeinance lieu mayn demeyne iour de la felonie. auxi bien a les feffementz p cele cause auant ces houres faites come en temps auenir a faire. Itm en chescun Countee soient ordeinez quatre de moetz vauetz du Countee pr estre gardeyns de la pees les queux eynt pleyn power de assere gentz chiuaux as armes hobellours & gentz a pee chescun solom la value & quantite de ces fres biens & chateux issint qils soient prestes quele iour q maister ensra pr arester la malice des ennemyz solome ces qils front assis p les gardeyns susdites, et q les dites

them, in such case to the mandate of the other; and if any persons of geldable or of franchise land rise in aid of such malefactors, so that the officers cannot execute their office on them, that they be held as notorious felons as those who commit the robberies, and be punished in the same form. And Penalty on if the aforesaid officers be remiss in the execution of the said officers. mandates and be thereof attainted, that they be adjudged to prison and fined at the will of the King. And it is not the intention of the King or the council that by such entry into a franchise or mandate to the seneschal, the franchise be infringed.

Forasmuch as divers people enfectf their children or other strangers, of their lands, and give their goods and chattels Fraudulent by fraud or collusion, in order to bar our lord the King of his feofiments debt, and parties also of action and recovery, It is agreed and assented that such feoffment and alienation be held as void, and that the King and the parties have execution and recovery of their lands, goods and chattels, as well as of the proper lands of the said alienor; and if the case happen that any man be of purpose to levy war against the King or to commit any felony, and for that reason enfeoff any man of Forfeiture of his lands, in order to commit such felonies and treasons after lands conthe feofiment, that if afterwards he be attainted of the afore-view to war said treasons or felonies, that those aforesaid lands, into whose or felony. hands soever they come, be forfeited, notwithstanding the feoffment, as if they were in his possession the very day of the felony. And that this ordinance have place as well in respect of feoffments on this account heretofore made as those to be made in time to come.

Also that in every county there be appointed four of the most worthy men of the county to be wardens of the Wardens of peace, who shall have full power to assess horsemen at arms, the peace in each county. hobelers and footmen, each according to the value and quantity Their duties. of his lands, goods and chattels, so that they be ready at whatever time there may be occasion, for the purpose of checking the malice of the enemies, according to what they shall

veyed with a

gardeyns aßs la array fait en la manere susdite, facent veu desdites gentz des armes hobellours & gentz a pee de moyns en moyns en éteyn lieu de Countee ou ils veount q moetz soit a faire en ayse du poeple et si les dites gardeyns treouissent nul rebelt q ne veot a lour maundementz obeyr, eyent power de les attacher & maunder a pehein gaole illoqes a demorer tanqe la leye de lui soit fait. Et si les gardeyns de la pees soient remisses ou necligentz en lour office faire & de ceo soient atteyntz q adonqe ils front pris & enpisonez & reyntz a la volunte le Roi. Et si nul issint elieu gardeyn refuse de receyuer la comission le Roi soit pis & enpisone & ses fres seisiz en la mayn le Roi & issint demoerge tanqe la Court le Roi en eyt autrement ordeine, et soient les dites gardeyns mentez de loialment user lour office en la manere susdit.

Itm ordeine est q tes Marchales del un Baunk & del autre & dedeyns franchises no Bignent desormes pr lour fee plus qils Bignent en Engle?re cest assauoir v.d. soulement come tesmoigne est a conseil qils fount en Engletre & solome lestatut en Englerre de ceo ent prueu, et ceo abs q home soit acquite ou conuvct * finalement delifs hors de la Court * nemy auant et sils facent alencontre & de ceo soient atteyntz soient lour baillies seisiz en la mayn le Roi p pleynt de celui qest encountre ceste acorde greue, et outre ceo facent gre a ceux q sount issint p eux endamagez & detenuz en pisone tanqe lour gre soit fait. Et q le Mareschal del Escheker ne Bigne q di mar chescun ime quant home demora en sa garde prarrirages dacompte ou la dette le Roi. Et qi face alencounti e de ceo soit atteynt, eyt la penaunce come desus est dit. Et q nul Conestable des chasteles dedeyns fraunchises ne dehors ne Bigne de nul pison mys en sa garde pr son fee fors soulement

be assessed by the wardens aforesaid; and that the said wardens. after array made in the aforesaid manner, make view of the said men at arms, hobelers and footmen from month to month in a certain place of the county, where they shall see it best to make it, in ease of the people, and if the said wardens find any rebel who will not obey their mandates, that they have power to attach them and commit them to the next gaol, there to remain until the law be enforced against them. And if the wardens of the peace be remiss or negligent in executing their office and be thereof attainted, that then they be taken and imprisoned and fined at the will of the King. And if any so elected a warden refuse to receive the King's commission, that he be taken and imprisoned, and his lands seized into the King's hand, and so remain until the King's court have otherwise ordained, and that the said wardens be sworn to execute their office legally in the manner aforesaid.

Also it is ordained that the marshals of the one bench and of the other and those within franchises take not hence Fee of forth for their fee more than they take in England, that is the Benches. to say, five pence only, as it has been proved to the council that they do in England, and according to the statute in England in that behalf provided, and this after that a man be acquitted. or convicted and finally delivered out of court, and not before, and if they do to the contrary and thereof be attainted, that their bailiwicks be seized into the King's hand, at the complaint of him who contrary to this act is aggrieved; and, moreover, that they make satisfaction to those who are thus by them endamaged, and be detained in prison until their satisfaction be made. And that the marshal of the Exchequer Fee of take only half a mark for every term, while a man re- Marshal of the mains in his custody for arrears of account or the King's debt. And whoever does to the contrary, and be thereof attainted, that he suffer the penalty above mentioned. And that no constable of castles, within franchises or without, take of Fee of any prisoner placed in his custody, for his fee, but only five a Castle.

T Marshals of

v.d. forspris le Conestable du Chastel de Diuelyn q est le chef Chastel le Roi en Irlaunde pur ceo q tesmoigne est a conseil qil doit plus pndre & de ancien temps ad fait. Et q autrement fait & de ceo soit atteynt, soit la Conestablerye seisy en la mayn le Roi, et celui q ency alla fait soit pris & enpisone tanqe il face gre a la ptie & fyn a Roi. Et q les Mareschales ne Conestables auaunditz dedeyns fraunchises ne dehors ne mettent les pisons qils ount en lour garde a destresse & duyte de penance pr singuler pfit ou suet auoir, et sils facent soient pris & detenuz en pisone tanqe ils eynt rendu le double a celui de qi ils ount tiel torsenouse pfit receu, et neprqant facent fyn a Roi & sr ceo soient briefs maundez a chescun place de la Pre ou Conestable ou Mareschal yad si bien deyns fraunchises come dehors.

Itm ordeine est q nul Engleys face ascun mafie de alliance a les Engleys ou Irreys enemyz ne seign le Roi p mariage nurt e de lour enfauntz, ou en ascun autre mafie sil ne soit p assent de la Court le Roi, * qi le face * de ceo soit atteynt cyt lenpisonement, et outr ceo soit reynt a la volunte le Roi.

Itm ordeine est q si ascun home soit enditee de morte de home Engleys arson ou des autres gantes felonies ou qil soit comun laroun ou noctory robiour & soit recette oue ascuns, eaux sachans les felonies susdites p lui faitz q les recettours soient pris & detonuz en pisone nyent maynphablez si bien auant q tiels felone soient atteyntz come aßs sil ne soit p cause & ceo p auisement du conseil le Roi.

Itm ordeine est q si true ou pees soit p's p la Justice gardeyns de la pees ou viscontz entr^o les Engleys & Irreys & si ele soit debruse p ascun Engleys & de ceo soit atteynt soit p's & mys en p'sone tanqe gre soit fait p lui a ceux q sont

^{&#}x27; In the Statute of Kilkenny this word is dureter,

pence, except the constable of the castle of Dublin, which is Constable of the King's chief castle in Ireland, by reason that it has been Dublin Castle. proved to the council that he has a right to take more, and from ancient times has done so. And whosoever does otherwise, and be thereof attainted, that the constableship be seized into the King's hand, and that he who shall have so acted be taken and imprisoned, until he make satisfaction to the party and fine to the King. And that neither the marshals nor constables aforesaid, within franchises or without, put the prisoners whom they have in their custody to distress and severity of punishment, for the purpose of obtaining their own profit or suit; and if they do so, that they be taken and detained in prison until they have rendered double to the person from whom they have received such wrongful profit, and moreover make fine to the King; and that thereupon writs be sent to every place of the land where there is a constable or marshal, as well within franchises as without.

Also it is ordained that no English person make any manner of alliance with the English or Irish enemies of No alliance our lord the King, by marriage, fostering of their children or English and in any other manner, unless it be by the assent of the King's the English or Irish court, and whosoever does so, and be thereof attainted, enemies. that he suffer imprisonment, and moreover be fined at the will of the King.

Also it is ordained that if any man be indicted of the death of an Englishman, of arson or the other great felonies, Receivers of or if he be a common thief or notorious robber and be received imprisoned. by any, they knowing that the aforesaid felonies were by him committed, that the receivers be taken and detained in prison without mainprise, as well before such felons be attainted as afterwards, unless it be for cause, and this by the advice of the council of the King.

Also it is ordained that if truce or peace be made by the Justiciar, wardens of the peace or sheriffs, between English English truceand Irish, and if it be broken by any Englishman and he be imprisoned. of this attainted, that he be taken and put into prison, until

desrobez * endamagez p cele encheson, * outre ceo soit reynt a la volunte le Roi et sil neyt dont fair restitucion a ceux q sont issint endamagez, eyt ppetuele pisone et q tiels gardeyns * viscontz eyent power denquere de tiels q issint enfreynent la pees.

Iîm q lestatut de laborers maunde hors Denglefre en Irland soit mande p bref a chescun visconte seneschales Maires sosievns des Cittiez & villes qils facent pelamacion icel estatut et q la Justice soit charge denquere chescun pt ou il vaa de chescun qi countreuyent cel estatut & de les punyre solome la forme del dit estatut.

Iîm ordeine est q si debate soit mou pentre Engleys & Engleys p quei les Engleys dune pt & dautre coillent a eux Engleys & Irreys en pays illoqes a demorer pr gerrer & greuer autres a gant damage & destruction del lige poeple le Roi, Acorde est & assentu q nul Engleys soit si hardy de mouer gerre en autres ne de amener nul Engleys ne Irreys en pays desormes p cel encheson et qi le facent & de ceo soient atteyntz eyent iuggement de vie & de membre & lour fres forfes.

Itm ordeine est q̃ si debate sourd entr⁹ Engleys * Engleys a la pees esteantz q̃ nul de eux face namer ou gage ne destresse sur autre βndre ne vengeaunce sur autr⁹s βnnont par quei le poeple le Roi p^rra estre troubele, mes sueit chescun vs autre a cōmune leý. Et coment q̃ auant ces hours p reison de tiels debates pentre Engleys * Engleys faitz eyent usee destre rulez p la ley de Marche * de Breawen quel nest pas ley ne dut estre dit leý * nemy p la ley de re, Acorde est q̃ mes ley de Marche ne de Breawen soit tenuz entr⁹ Engleys * Engleys mes soient rulez a la cōmun ley. Et qi countreuyent les

[்] த்கூ p. 366 for this Statute.

satisfaction be made by him to those who are robbed and endamaged by reason thereof, and further be fined at the will of the King; and if he have not wherewith to make restitution to those who are thus endamaged, that he have perpetual imprisonment, and that such wardens and sheriffs have power to enquire of such as thus infringe the peace.

Also that the statute of labourers sent out of England XIV. into Ireland be sent by writ to every sheriff, seneschal, Statute of mayor, sovereign of cities and towns, that they may make proclamation of this statute, and that the Justiciar be charged to every sheriff, mayor, &c., inquire in every place where he goes, of every one who for proclamacontravenes this statute, and punish them according to the form tion. of the said statute.

Also it is ordained that if strife be stirred up between English and English, owing to which the English of one side English not and of the other gather to themselves English and Irish in the country, there to remain to make war and harass others, to the great damage and destruction of the King's liege people, It is agreed and assented that no English be so bold as to stir up war against others, nor from henceforth to lead away any English or Irish into the country for that purpose, and that those who so do and be thereof attainted have judgment of life and of limb and their lands forfeited.

Also it is ordained that if strife arise between English and English, being of the peace, neither of them make dis-Common law to be used by traint or take pledge or distress upon the other, nor take English, and vengeance against the other, whereby the King's people may Brehon law, be troubled, but that they sue each against the other at the or the march law. common law. And whereas heretofore by reason of such strifes made between English and English, they have used to be governed by the law of the March and the Brehon law, which is not law nor ought to be called law, and not by the law of the land, it is agreed that from henceforth neither the law of the March nor the Brehon law be observed between English and English, but that they be governed by the common law.

to stir up war

not the

ordeinaunces susdites et de ceo soient atteyntz soient pis e enpisonez e reyntz a la volunte le Roi.

Itm ordeine est \tilde{q} nul home de quel estat ou condicion qui soit face nul marie de areste [ou 1] destourbance a nul des Ministres \tilde{n} re seign le Roi, p quei \tilde{q} il ne poeit son office faire et \tilde{q} le face $\tilde{\tau}$ de ceo soit atteynt soit pris $\tilde{\tau}$ enpisone $\tilde{\tau}$ reynt a la volunte le Roi.

Itm ordeine est q tous ceux q ount fres en Marche & sont receantz en fre de pees facent receantje en lour fres en marche ou mettent autr⁹s suffisantz en lo^r lieu en mayntenance & ejde des marchez, et qi ne le face soient les issues de lour fres en fre de pees pis p les Ministres le Roi illoqes & despenditz en la marche p^r saluacion de la dit Marche solome la q^antite des fres qil ad en marche.

Itm ordeine est q tous y ceux q ount Pres & tenementz en Irlande & sont receantz en Engle?re qu'es facent cotribucion pr defense de lour tres illoges si auant come ceux receantz dedeyns la dite Pre Dirlande y fount. Et en cas q meymes ceux p aillours demorantz eyent Pres en marche gils facent asseer * garder lour Pres auaunditz couenablement, par quei les Marchiz puissent le meotz estre enforcez solome la quantite de ýceles, et qi ne le face soient les issues de lour l'res despendus en la marche en la forme susdite come plus pleynement est maunde p bref hors Denglefre en Irlande. Itm ordeine est q nules Engleys comuns mesfesours ne comuns robiours ne baretours soient mayntenus p nul de la Court le Roi ne p les gantz ne petites de la Pre sur pil qapent. Itm ordeine est q les chef siantz de fee & lour attournez facent du execucion des maundementz le Roi et de viscontz come ils delloient faire et sils ne facent * de ceo soient atteyntz, soient

¹ Obliterated.

And that whosoever contravene the aforesaid ordinances and be thereof attainted, be taken and imprisoned and fined at the will of the King.

Also it is ordained that no man of what estate or condition XVII. he be, cause any manner of hindrance [or] disturbance The King's to any of the officers of our lord the King, whereby he may be hindered. be unable to execute his office, and that whosoever so do, and be thereof attainted, be taken and imprisoned and fined at the will of the King.

Also it is ordained that all those who have lands in the March and are resident in land of peace, make their Persons to their lands in the March, or put other march lands, sufficient persons in their place, in maintenance and aid of the &c. marches, and whosoever do not so, that the issues of their lands in land of peace be taken by the King's officers there, and expended in the march, for the safeguard of the said march, according to the quantity of the lands which he has in the march.

Also it is ordained that all those who have lands and tenements in Ireland and are resident in England make con-Residents in tribution for the defence of their lands there, just as those having lands resident in the said land of Ireland do. And in case that those in Ireland to contribute resident elsewhere have lands in the march, that those same towards their cause their aforesaid lands to be sufficiently ascertained and guarded, whereby the Marches may be better strengthened, according to the quantity of the same, and whoever do not so, that the issues of their lands be expended in the march in the manner aforesaid, as is more fully commanded by a writ out of England into Ireland.

Also it is ordained that no English common malefactors or common robbers or barrators be maintained by any person Malefactors or barrators of the King's court, nor by the high or low of the land, on not to be the penalty thereto attaching.

XX. maintained.

Also it is ordained that the chief serjeants of fee and their attorneys make due execution of the mandates of the King, fee to make and of the sheriffs, as they ought to do, and if they do not due execution.

England defence.

lour baillies seisiz en la mayn le Roi & lour corps a la pisone.

Itm ordeine est \tilde{q} si home face felonie \tilde{q} soit futif ou soit atteynt p quei ces biens \tilde{q} chateux soient forfaitz a Roi \tilde{q} les viscontes facent seisir les dites biens \tilde{q} chateux en sa mayn, en qi mayns les biens a β s deuenent \tilde{q} respoignent de ceo a re seign le Roi sour lour acompte.

Itm q come somouns del Escheker nre seign le Roi de Diuelyn vienent a diffses viscontz & seneschales des franchises pr les dettes nre dit seignr le Roi leuer de diusez gentz en lour baillies les queux viscontes & seneschales ensemblement oue les siantz des Countez & franchises si font leuer diffses sumes des dites dettez de diûses gentz des Countez & franchises * ne les acquitent mye sour lour acomptes a le Escheker, mes les excusent p les siantz de fee e lour lieutenantz p quei la paie des dettes fire seign' le Roi si est targe * delaie * pdue * son poeple gauntment endamage de ceo qils ne sont mye acquitez de les deniers qils ount paiez. Acorde est * assentuz q qant viscontes & seneschales de Louth, Mid, Trym, Diuelyn, Kyldař, Cath, Kilkeny & Weyseford vienent pr lour acomptes rendre deuant Tresorier & Barons des issues de lor baillies q les siantz de fee q sont psentz e les deputez de eux q sont hors de Pre soient destreintz de venir en Lescheker & illoges demorer od les dites viscontes & seneschales tange les dites viscontes * seneschales eyent pleynement acomptes, et si issint soit q les dites viscontes ou seneschales pront charger les dites siantz ou lour deputez qils ount receu des deniers le Roi de nuly nent fesant la paie as dites viscountez & seneschales, & sr coo soient atteyntz, demoergent lour corps en garde de Mareschal tanqe gree soit fait a ñre seign'r le Roi des ses deniers en descharge des dettours nre seign' le Roi ou des dites viscontes ou seneschales sils eyent

and be thereof attainted, that their bailiwicks be seized into the King's hand, and their bodies committed to prison.

Also it is ordained that if a man commit felony and be a fugitive or be attainted, whereby his goods and chattels Sheriffs to are forfeited to the King, that the sheriffs cause the said forfeited by goods and chattels to be seized into his hand, into whosoever attainder, &c. hands the goods may afterwards come, and answer therefor to our lord the King upon their account.

Also that whereas summons of the Exchequer of our lord the King, of Dublin, comes to divers sheriffs and seneschals of As to taking franchises, to levy the debts of our said lord the King of divers accounts, people in their bailiwicks, the which sheriffs and seneschals, Leinster together with the serjeants of counties and franchises, accordingly cause to be levied divers sums of the said debts, of divers people of the counties and franchises, and do not acquit them on their accounts at the Exchequer, but excuse themselves by the serjeants of fee and their deputies, whereby the payment of the debts of our lord the King is so retarded and delayed and lost, and his people greatly damaged, for that they are not acquitted of the money which they have paid, It is agreed and assented that when the sheriffs and seneschals of Louth, Meath, Trim, Dublin, Kildare, Carlow, Kilkenny, and Wexford come to render their accounts before the treasurer and barons, of the issues of their bailiwicks, that the serjeants of fee who are present and the deputies of those who are out of the land be distrained to come into the Exchequer, and there to remain with the said sheriffs and seneschals until the said sheriffs and seneschals have fully accounted, and if it so happen that the said sheriffs or seneschals can charge the said serjeants or their deputies that they have received the King's monies of any, without making payment thereof to the said sheriffs and seneschals, and they be thereof attainted, that their bodies remain in the custody of the marshal, until satisfaction be made to our lord the King of his monies, in discharge of the debtors of our lord the King or of the said sheriffs or seneschals, if they have wherewithal. And if not,

seize goods

XXIII.

de quei. Et si nemy demoergent en pisone tanqe ils soient deliùs p le conseil & neprquant soient les viscontz ent chargez s' lour acompte come deuant, et q totes les dettes leuez p les siantz soient paiez a visconte p endente entre eux fait, issint q qant les dites siantz vienent s' lour acompte de visconte en Lescheker gils puissent moustrer lour endent e a tesmoigner des queux ils ount receu les deniers le Roi & des queux nemy. Et pr ceo q les Countez de Connaght Kery Cork Walford Lymer & Typar sont si loynz de la Court q les siantz de meymes les Countes ne poent bonementz venir a Diuelyn de estre s' lour acompte des viscontz & seneschales de meismes les Countez come autr's s'iantz fount. Acorde est * assentuz q les siantz des dites Countes ou lour deputez qant vn Baron, ou Clerk assigne p Tresorier * Barons vient p comission del Escheker es pties susditz p' la vete cyre examiner * la dette nre seign' le Roi leuer, q adonge demoergent oue le dit Baron, ou Clerk tancome les dites viscontes ou seneschales [demorgent, et si issint soit quilz ont enz receuz de nully nient fesant la paie as ditz viscountz ou seneschallx 1] en la mañe susdit, q adonqe soient arestuz e eyent la penance susdite. Itm pr ceo q les fees de visconte si sont ordeinez p estatut * les viscontes en la Pre de Irlande se Bignent en lour tournes de chescune Baronie en lour baillie vn mark pan et de chescune ville marchee a la foite vynt soutz diz soutz € demy mark a tres gant oppssione de poeple. Acorde est * assentuz q qent les viscontes susdites vienent as villes pr lor tournes tenir deux foite p an cest assauoir affs la seint Michel * aßs la Paske qils ne ßignent de nule Baronie, come q villes marcheez sont dedeinz mesme la Baronie, si noun quarant deniers a chescun tourne si autrement ne soit aps ordeine. Et si issint soit qil soit pue p le seign' de la Barouie si il ne

A manifest omission: supplied from Statute of Kilkenny, cap. XXXII.

that they remain in prison until they be delivered by the council, and nevertheless that the sheriffs be charged therewith upon their account as before, and that all the debts levied by the serjeants be paid to the sheriff by indenture made between them, so that when the said serjeants come upon their account of the sheriff in the Exchequer, that they may show their indenture, to testify from whom they have received the King's moneys and from whom not. And forasmuch as the counties of Connaught, Kerry, Cork, Waterford, Limerick, and Tipperary Same, are so distant from the court that the serjeants of the same Connaught counties cannot conveniently come to Dublin, to be present on their account of the sheriffs and seneschals of the same counties, as other serjeants do, It is agreed and assented that the serieants of the said counties or their deputies, whenever a baron or clerk assigned by the treasurer and barons comes by commission of the Exchequer into the aforesaid parts, to examine the green wax and to levy the debt of our lord the King, that then they remain with the said baron or clerk, while the said sheriffs or seneschals [remain, and if it happen that they have received any part thereof from any person, without making payment to the said sheriffs or seneschals] in manner aforesaid, that then they be arrested, and have the penalty aforesaid.

Also whereas the fees of sheriffs are ordained by statute, and the sheriffs in the land of Ireland take, for Fees of themselves in their turns, of every barony in their bailiwick their turns. one mark yearly, and of each market town sometimes twenty shillings, ten shillings, and half a mark, to the very great oppression of the people, It is agreed and assented that when the aforesaid sheriffs come to towns to hold their turns twice each year, to wit, after the feast of St. Michael and after Easter, that they only take forty pence of every barony, although there be market towns within the same barony, at each turn, if it be not otherwise ordained hereafter. it should so be that he is supplied with food by the lord of the barony, that he take nothing, if he be not

XXIV.

soit requis ou piee a manger ne Bigne riens. Et q nul Clerk de visconte p cause de tiel tourne ne fligne riens; et auxint q desorenauant nul dener soit leue de nule charue de Pre ne en autre mafie p cause de tele office faire si noun le demy mark come desus est dit; et si nul face encountre lordeinance susdite € de ceo soit atteynt € soit comaunde a la pisone € outre ceo soit reynt a la volunte le Roi, et q nules viscontz des franchises q pne cteyns fees du seign age pr lour office faire ne Bignent riens pr lour tournes des gentz de lour baillies mes se tiegnent paiez de ceo qils pnent de seignrage. Et si ils facent autrement e de ceo soient atteyntz, eyent la penance susdite. Itm acorde est & assentuz q nul visconte desormes se tiegne plee deuant lui en Countee de vede name encoun? la comun ley nre seign' le Roi nyent countreesteant nules vsages erroignes disresonables * disacordantz a la leve les queux auant ces hours ount este malement vseez, et sil le face * de ceo soit atteynt eyt lenpisonement & outre ceo soit reynt a la volunte le Roi. Et q nul siant pr nule gage de vede name en tiel cas ne Bigne nul fee pr tiel office faire. Et sil le face € de ceo soit atteynt soit comaunde a la pisone € pde sa baillie et neproant face greuouse raunsoun a la volunte le Roi.

requested or prayed to eat. And that no clerk of a sheriff, by reason of such turn, take anything; and also that from henceforward no money be levied of any ploughland nor in any other manner, by reason of executing the said office, except the half mark as is abovesaid; and if any person act contrary to the aforesaid ordinance and be thereof attainted, that he be committed to prison and further be fined at the will of the King: and that no sheriffs of franchises who take certain fees of the lordship for executing their office, take any thing for their turns from the people of their bailiwicks, but consider themselves paid with that which they take of the lordship. And if they do otherwise and be thereof attainted, that they incur the penalty aforesaid.

Also it is agreed and assented that no sheriff from henceforward hold plea of withernam before him in the county, contrary to the common law of our lord the King, withernam any usages, erroneous, unreasonable and not in accordance with before sheriffs. the law which have been heretofore injuriously used notwithstanding, and if he so do and be thereof attainted, that he suffer imprisonment and further be fined at the will of the King. And that no serjeant, for any pledge of withernam in such case, take any tee for performing the said office. if he so do and be thereof attainted, that he be committed to prison and lose his bailiwick, and nevertheless make heavy ransom at the will of the King.

29 EDWARD III. A.D. 1355.

[Close Roll, 29 and 30 Ed. III., Article 36 f.]

Bre p Rege direct) R. difcis * fidelib3 suis Robto de Befllaco Robto de Beûlaco } Rico fitz William Thome Belynges € Walfo de Bykenore ad scrutandū portus æ ut. naves & domos in portub; & aliis locis maritimis, ac ipa loca maritima a portu de Holpatrik e in eodem portu usq. Dubliñ & ad arestand blada & pisces in nauib; ad educend posit * ad portus * domos mari vicinos occulte p noctes ad educend duct conta pelamacoes e inhibicoes ex pte nra sub gaui ipoz bladoz e pisciū forisftura nra sine licencia nra spali tam infra libtates qam exta assignatis saftm. Licet p ñra ac Ministroz ñroz Prelatoz Magnatů e čois populi e Pre ñroz hibñ vtilitate publica de consilio ñro duximo ordinand qd forstallatores piuati ficatores broggatores * alii qui vocanti Braggers * Loders qui conta pelamacoes * inhibicoes sub Bdca * alia gauiori forisftura p nos fcas ne pisces occulte p forstallamenta vel fraudulentă seu subtile & dampnosam hi9 conuencoem ement nec occulte in noctibs aut alias ad domos singularm psonaz in Civitate βdca vel alibi ad saliend € extª fram mittend set veri emptores pisces ipos ad scabella dee Civitatis e alios locos publica abso, omi fraude & dampnosa conuencoe hi9 vendent' ducent put ante iam inuentas fraudes fieri consucuit pisces hi⁹ anteq^a capiunt^r * cū capti flint forstallando p maiori Bcio q⁴m valent * valere consueuerūt post pclamac̃oes * inhibicoes ñras hi9 emerūt & indies emunt & ad domos dcoz forstallatos pinatos meatos e broggatos ac alios qui hi

29 EDWARD III A.D. 1355.

King, THE King to his beloved and Writ for the Robert faithful Robert de Beverley, de Beverley and others. | Richard fitz - William, Belynges and Walter de Bykenore, appointed to search harbours, ships and houses in the ports, and in other sea side places, and the sea side places themselves, from the harbour of Holmpatrick and in the same harbour up to Dublin, and to arrest corn and fish placed in ships to be brought away, and brought to ports and houses near the sea secretly by night, to be brought away contrary to proclamations and inhibitions on our part, under the heavy forfeiture to us of the said corn and fish, without our special license, as well within liberties as without, greeting. Although for the public benefit of us and our officers, prelates, magnates and the common people of our land of Ireland, by our Council we have thought fit to ordain that forestallers, private merchants, brokers and others who are called "braggers and loders" who, contrary to the proclamations and inhibitions made by us under the aforesaid and other more heavy penalty of forfeiture, that they should not purchase fish secretly by forestalments or a fraudulent, subtle and injurious agreement of this kind, nor secretly by night or any other time to the houses of individual persons in the aforesaid city or elsewhere, bring them to be salted and sent out of the land, but that bona-fide buyers should sell the said fish the public shambles of the said city and other places, without any such fraud and injurious agreement, as was wont to be done before these frauds were discovered, by forestalling the fish in this way before they are taken and when they are taken, for a greater price than they are value for, and were wont to be value for, after our proclamations and inhibitions, have purchased and daily do purchase, and to the houses of the said forestallers, private merchants and brokers and others, who practise and procure to be practised forstallamenta * abroggamenta p alios faciūt * fieri pcurant ad saliend * exta fram nram sine debita licencia tansmittend duxerūt * ducunt p ip̃oz comodo singulari. Ita q̃d raro¹ * qandoq nulli pisces in dieb; quib; pisces comedunt ad vendend p sustentacoe Ministroru Prelatoz Magnatu * populi Bacoz inveniunt in nri e mandatos nros Bdcos contemptu e Ministros ñros e alios populio, pacos gene dampnu e defissione maxime cu dci pisces qui p ipos forstallatores broggatores * piuatos matores ac ordinacoem suam * pcii imposicoem vendicoi exponunt^r in duplici vel triplici maiori Bcio qam alias vendi deberent & consueuerūt vendant & conta pelamacoes e inhibicoes nras sub forisftura hiº inde feas. Nos volentes ipos machinate malicie & dampno publico obuiare iposq talit delinquentes punire debite in hac pte, vob vrm cuilibet sub piculo qd incubit ac eciam sub gaui forisftura nra districcius iniungendo mandam? ąd statim visis psentib; ad portu de Holpatrik necno ad singulos portus aliunde vsq. Dublin tam maiores qum minores vbi sunt piscatores a pisces capiunt tam infra libtates que exta ifato ne ordinaco nra * consilii ñri βdca quēq*m lateat pclamari * inhiberi ex pte ñra fac ne qui forstallatores piuati meatores Broggatores Braggers siue Loders sub forisftura pisciù corporu v bonos suoz p hiº forstallacoem aut occulta e dampnosam conuencoem seu quouis alio colore ante capcoem pisciu vel post conta ordinacoem vnde dampnū cõe aut caristia sequi posset emant aut ipi piscatores seu alii eoz noie talit forstallatorib; aut aliis ficeis captos hi pisces vendant nec ad ptes exfas mittant sine spali nra licencia vt est dem set qd veri emptores ac Loders & Braggers pisces in portub; cū capti fuint absq. omi fraude forstallacoe & Phita conuencoe ad

¹ So in MS. for rari

by others such forestallings and brokages, to salt them and send them out of our land, without due license, have brought and do bring for their own individual accommodation. So that few and sometimes no fish are to be found for sale on the days on which fish is eaten, for the sustenance of the aforesaid officers, prelates, magnates and people aforesaid, in contempt of us and of our mandates aforesaid, to the grievous loss and injury of our officers and others and of the people aforesaid, especially when the said fish, which by the said forestallers, brokers and private merchants and under their own ordinance and fixing of price are exposed for sale, are sold for double or treble greater price than otherwise they ought and were wont to be sold, and contrary to our proclamations and inhibitions, under the forfeiture in that case provided. being willing to obviate their contrived malice and the public loss, and to punish duly in this behalf those offending in such a way, you, and every of you, under the penalty which attaches, and also under heavy forfeiture to us, most strictly enjoining, command that immediately on sight of these presents, at the harbour of Holmpatrick, also at the Proclamation several harbours at other places, up to Dublin, as well large as against small, where there are fishermen and fish are taken, as well forestallers within liberties as without, lest the aforesaid ordinance of us and of our Council be by any means concealed, you again cause proclamation and inhibition on our behalf to be made. that no forestallers, private merchants, brokers or laders, under forfeiture of their fish, their bodies and their goods, by such forestalling or secret or injurious agreement or any other pretence, before the taking of the fish or after, contrary to the said ordinance, whereby common loss or greater scarcity thereof may ensue, purchase, or the fishermen themselves or others in their name in such manner to the forestallers or others aforesaid, sell fish taken in this way, nor send them to foreign parts, without our special license as aforesaid, but that bona-fide purchasers and laders and Bona-fide brokers purchase the fish in the harbours when they shall be the harbours taken, without all this fraud, forestalling and prohibited for sale in the

suu ppriu * no all'ius vsum emant * vendant in Civitate Bdca * alibi illis qui p sustentacoe sua * domus sue eos effe volfunt cessantib; forstallacoib; * fraudib; quibuslibet vt est dcm, * omes illos quos tam post piores que fisentes pelamações * inhibicoes nras contariu facientes vel inde p inquisicoes in portub; * locis pdcis p vos * vrm quemlibet capiend culpabiles inuefiitis tam emptores qam venditores hi? sic culpabiles vna cū piscib; sic emptis & venditis tamqam nob forisftis arestetis * attachietis * corpora eos ad Castril nrm Dublin tansmittatis ibidem custodiend e pisces sic arestatos saluo ad opus nrm custodiri fač quousq aliud inde ex delibacoe dci consilii pri duxim9 ordinand. Et vos & quilibet vrm scrutinia tam in domib; in singlis portub; * locis mari vicinis pdčis qam in nauib; ac inquisicoes hiº de emptorib; & venditorib; Bacis ter bis vel semel ad min' aut pluries in ebdomoda put expedire videritis fac et nos in Cancellar nra bibn de noib; arestatos a contariu facienciu ac de numo e valore pisciu quos sic forisftos inuefitis de tempore in tempus sub sigillis vris vel alicuius vrm ctificetis vt delinquentes talif cū rigore iusticie puniamo, vt alii metu pene ad faciend talia phibita conpescant. Scientes qd si vos negligentes in execuçõe psentis mandati ñri inuenti fuitis vel remissi corpora vra pena simili puniend arestabim? * forisfturam in vos * vrm quemlibet exceebim? supadcam. Nec volum' qd aliquis vim ppt absenciam alfius se excuset pmissa face vel omittat Intencois tame nre e dci consilii nri existit qd Justic Cancellar & Thes nri Hibn cefiq Ministri ñri aut magnates e alii fideles ñri empcoes e

agreement, to their own proper use and no other, and sell them in the said city and elsewhere to those who wish to purchase them, for their own sustenance and that of their households, forestallings and frauds of every kind ceasing, as aforesaid, and all those whom, as well after the former as our Penalty present proclamations and inhibitions, you shall find doing the against transcontrary or thereof guilty, by inquisitions in the ports and places aforesaid, by you and every of you to be taken, as well the buyers as the sellers, so guilty in this way, together with the fish so bought and sold, as forfeited to us, you arrest and attach, and their bodies to our castle of Dublin you transmit, there to be kept, and the fish so arrested you cause to be kept safely, to our use, until we see fit to ordain otherwise therein, after deliberation of our said Council. And that you and every of you cause searches to be made, as Search to be well in houses in the several ports and places near the sea made. aforesaid, as in ships, and that you make such inquisitions as to buyers and sellers aforesaid, thrice, twice or once at the least, or oftener in the week, as you shall see fit, and us in our Chancerv of Ireland of the names of those arrested and Certificate as acting contrary, and of the number and value of the fish which and fish you shall find so forfeited, from time to time under your seals forfeited. or those of any of you, you shall certify, so that we may punish those offending in such a way with the rigour of justice, so that others through fear of punishment, may be restrained from committing such prohibited acts; causing you to know that if you be found negligent or remiss in the execution of our present mandate, we shall arrest your bodies for the purpose of visiting them with similar punishment, and we shall exercise the aforesaid forfeiture against you and every of you. And we will that none of you, on account of the absence of another, excuse himself or omit to [act in the premises. Nevertheless it is the intention of us and of our said Council that our Justiciar, Chancellor and Treasurer of Ireland and other our officers, or the magnates and our other faithful subjects, may freely make purchases and supplies

puidencias pisciù p sustentace domoș * familiaș suaș in portubs * locis pdcis libe face possint dumodo quicq m doli in hac pte fiat nec fraux nec decepce sub eo colore quouis modo comittat cont ordinacem pelamaces * inhibices nras sup dcas. Et nolum qd ptextu psentis mandati nri libtati * iuri ecctie Dublinen fiat piudciu aliquale. T.' pfato Justic apud Dublin vij die Junii.

p ipm Justic * cons.

of fish, for the sustenance of their houses and households in the ports and places aforesaid, provided that nothing crafty in this behalf be committed, nor fraud or deception, under colour of it, in any way be practised, contrary to our ordinance, proclamations and inhibitions aforesaid. And we do not wish that under pretext of our present mandate, any prejudice be done to the liberty and right of the Church of Dublin. Witness the aforesaid Justiciar at Dublin the 7th day of June.

By the Justiciar himself and the Council.

29 EDWARD III. A.D. 1355.

OF THE CORRECTION OF ERRORS IN PARLIAMENTS TO BE HELD IN TRELAND. 1

The King to his Justiciar and Chancellor of Ireland greeting. behalf of some of our lieges of the community of our land of Ireland. it has been shewn to us with grievous complaint, that whereas they have sustained very many losses and injuries for a long time, because they cannot recover out of our hands their lands and tenements which have been taken into our hand by our officers of the said land, as well by way of distraint as by reason of trespass or of alienation made without our licence, of their own will and without reasonable cause, although they might have prosecuted in proper form and by due process thereof within the power of you and others of our council in those parts, according to the law and custom of the said land. And also because the errors which are alleged to have occurred in the records and processes of pleas held before our Justices and other Courts and Places in the said land which have record, and in the returns of the said judgments and pleas, cannot be corrected in Parliaments in the said land, nor can justice be done thereof in other wise without seeking a remedy in England; on which account, because of the labour and expense incurred in the premises, they are brought to the greatest wretchedness and want, and some are altogether deprived of their inheritance; wherefore our said faithful subjects have earnestly prayed that we should cause a suitable remedy to be applied in the premises. And inasmuch as it appears to us and our council to be hard and oppressive that complainants, in the prosecution of justice for injuries inflicted upon them in the parts aforesaid, should be so harassed without remedy, therefore for the quiet and indemnity of our people who are in the said land under our rule, to whom we are debtors in the display of justice; we have ordained that of all lands and tenements in the said land, by our Justices, escheators, or any other officers whomsoever, without our mandate under our seal, taken into our hand, to those who are willing to sue for

Liberty to sue in Ireland for lands taken into the King's hands.

the said lands and tenements out of our hand by due and just process

before you, full justice be hereupon done, according to the law and custom of our realm of England and of our said land of Ireland, any

¹The text, taken from Close Roll, Engl. 29 Edward III., m. 12, is printed in Bymer's Fadera, Vol. III., pt. 1, p. 312, and in Prynne's Animadversions (1669), p. 286.

our mandates whatsoever under our great or privy seal of England to you or other our officers in the said land heretofore directed notwithstanding. And that at the suit of all and singular who wish to complain that errors have occurred in the records and processes held before Amendments any Justices or other officers aforesaid, the rolls of the said records records and and processes be produced in our Parliaments in the said land to be processes of pleas. held, by the Justices or officers before whom those records and processes were had, and there the said records and processes be diligently read and examined, and the errors, if any happen to be found therein, be duly amended. And therefore we command you that you cause the aforesaid ordinance to be observed in our said land, and full and speedy justice to be done to the parties complaining in form aforesaid, any mandates whatsoever to the contrary to you or others in the said land heretofore directed notwithstanding. So that no one may have reason for complaining henceforth to us, for default of justice in the aforesaid cases. Witness the King at Westminster the 30th day of August.

By the King himself and the Council.

31 EDWARD III. A.D. 1357.

ORDINATIO PACTA PRO STATU TERRÆ HIBERNIÆ.1

An Ordinance made for the Estate of the Land of Ireland.

The King to the Archbishops, Bishops, Abbots, Priors, to our officers both great and small, and to other our faithful subjects whomsoever, of our land of Ireland, unto whom these presents shall come, greeting. Whereas from the frequent information of trust-worthy persons, we have learned that our land of Ireland, and the Irish Church, and the clergy and people thereof subject to us, through default of good government and the neglect and carelessness of the royal officers there, both great and small, have been hitherto in divers ways disturbed and oppressed; and the marches of the said land situate near the enemy, have been laid waste by hostile invasions, the marchers being slain and plundered, and their dwellings outrageously burnt, and others compelled to desert their own places, some of them flying to the enemy, and others to strange places; and divers parts of the said marches being thus desolate and deserted have been occupied by the enemy; and the affairs of us and the said land unsuitably and unprofitably carried on, the laws and approved customs not duly observed, our people in divers manners spoiled of their goods and property, against justice, law, and the form of the statutes thereof made; and our peace broken and ill kept, and traitors, thieves, and malefactors not punished as they ought to be: by occasion of which evils, greater and irreparable losses (which God forbid!) are feared to happen, unless they are met by fitting remedies. We desiring to provide for the good government and quiet of the said land and people, have thereupon, by assent of our council, determined that the matters following be ordained and steadfastly observed.

Liberties of the Irish church confirmed.

I. Firstly, we will and command that the Holy Irish Church have her liberties and free customs inviolable, and freely enjoy and use the same.

Discussion of public matters in Council and in Parliament. II. Also we will and command that the affairs of us and of the said land, those especially which are great and arduous, in Councils, by our skilled councillors and the prelates and magnates, and certain of the more discreet and prudent men of the parts adjoining where those councils

¹ The text, taken from the Statute Boll, Engl. 31 Edward III., m. 12, is printed in Statutes of the Realm, I. p. 367, in Prynne's Animadversions (1869), p. 287, and in Ryley's Plactia Parl., p. 582. This ordinance was exemplified and confirmed; see Patent Boll (Engl.), 17 Ric., II., pt. 2, m. 34.

may happen to be held, for this cause to be summoned, and in Parliaments by those our councillors, and the prelates, and nobles, and others of the land aforesaid, as custom requires, according to justice, law, custom, and reason, be treated, managed, and faithfully discussed and also determined, without fear, favour, hatred, or reward.

III. Also whereas the justices and certain others who have been Justices and heretofore our officers of our said land, led by the counsels of their shall not retain private counsellors and not of ours, not to say of brokers, have in their service evil counsellors. occasioned innumerable wrongs, as well to us as to singular other per-especial brokers sons, applying their gains unlawfully acquired in that behalf to their own uses and not to ours; we will and command that our said officers, especially the greater, keep not in their service such counsellors as aforesaid who are brokers, more especially those defamed of such brokages, who have heretofore belonged to such chief officers; and if they should have retained any, that they forthwith remove them from them, that the affairs of us and the land be not obstructed by the said brokers; nor the profits to us appertaining be carried away from us through the means of their feigned counsels; and if such private counsellors, which God forbid, being retained among the followers of those our officers, contrary to the aforesaid ordinance, should receive any thing from the people or any of them, to their oppression by brokage Punishment or other underhand bargain, to their own use or that of their lords, for oppressing that they restore it fully to him that paid the same, and nevertheless, for brokage such extortion, be duly punished toward us by our Justiciar and council of Ireland; and make reasonable fine to us, as shall seem meet unto our said Justiciar and council, and be removed forthwith, as is above rehearsed, from their retinue; we hereby strictly enjoining our Justiciar of Ireland for the time being, that this he do faithfully observe in his own person, and do cause the same to be observed by others.

IV. Also, whereas the people through almost all Ireland subject to Purveyance us, by plunderings and takings of victuals and others of their goods, to the statutes. by purveyors of the said chief officers, and very frequently by command of those officers, have been lamentably oppressed; we will and strictly command, that purveyances of victuals to be made in the said land of Ireland, for the use of us and our said chief officers, be made according to the form of the statutes and articles published and made by us in Parliaments and other great councils, for the benefit of our people, and not otherwise; so that victuals or other things whatsoever to be taken Victuals, &c., to for such use, be appraised by good and lawful men of the neighbour- be appraised. hood of the places where they shall happen to be taken, sworn thereto, and not menaced nor compelled by menaces, having regard to the

Payment.

price at which such victuals and things are sold in the neighbouring markets, and that the price be paid forthwith: and if for lack of money the said purveyors make tallies of such price to those from whom the victuals and things were taken, according to the said price, that they pay the same price within one or two months. Provided always that for small victuals and things so bought and taken, that is to say, under the sum of twenty shillings, that ready payment in hand be made; and if our chief officers neglect to do this, we will and command that our Treasurer of Ireland for the time being, pay the said price without difficulty, out of the fees which our said chief officers receive at our

Exchequer of Dublin; or else that so much be taken from the fee of the said Treasurer, and paid for the said victuals, for his default in this behalf; and that the purveyors deputed to purvey such victuals, make their corporal oath upon the Holy Gospels of God before our

council of Ireland, that they will purvey and take such victuals, where it may be done to the greatest advantage of us and our officers, and the least damage to our people, according to the form of our com-

Purveyors to

be sworn.

Their commission.

missions thereof to be made to them under our great seal of Ireland; which contain the method and form of making such purveyances, according to the tenor of the statutes and articles aforesaid; and that clause especially, "if they do otherwise, let it be done of them as of thieves"; and that they take not fines or gifts from others, that

they may spare them and injure others; and that no victuals or other things be taken or purveyed, as is aforesaid, for the use aforesaid, by any commissions of our said chief officers under their seals, but only

Purveyances to be made by order of council, &c.

Saving for the clergy.

that such purveyances be made by deliberation, as well of our council, as of certain prudent and trustworthy persons among the chiefs of those neighbourhoods wherein they our said chief officers abide, or whereto they happen to come; so that the grievances in that behalf may cease, which have hitherto woefully oppressed our liege

by commissions under our great seal of Ireland: and we will moreover

people of Ireland. But for the honour and worship of God and Holy Mother Church, we will not that any thing be taken in anywise in churches, or the endowments and fees of churches, to the use of us or those officers, either by those our officers, purveyors, or any others, against the will of the prelates or ecclesiastical persons or the guardians of their places and goods.

V. Also, whereas through the default and neglect of our said chief officers, our peace in divers parts of the said land, as well without the marches as within the same, has been carelessly kept, whereby thieves, malefactors, and disturbers of the said peace being made bolder, have hitherto publicly committed manslaughters and robberies, as well in lands of peace as in the marches, and have exacted fines and ransoms from divers men, that they might let them go in peace, and by threatenings to kill them and to burn their houses have extorted the same; and thus in divers parts where peace has flourished, the march has become full of war and the people afflicted: we will and strictly The Justiciar command that our Justiciar of Ireland who now is, or for the time being manulaughters, shall be, in every county where he shall hold his sessions, make diligent robberies, &c. inquiries, concerning such manslavers and manslaughters, robbers and robberies, trespassers and trespasses, and those who exact and extort such fines and ransoms, and also concerning those who are called idle men, and malefactors who are also called kernes and their leaders, by whom the liege people of divers parts are oppressed and destroyed, and very many of them compelled to leave their own places, many times and often in the year, and cause the parties indicted to submit to justice, if he would avoid our indignation and the punishment due on our behalf.

Moreover, we will and command that the residents in the country Residents in where it shall happen that such robbers and malefactors are wandering, shall make and committing robberies and thefts, make competent satisfaction robberies, &c. to those of the said country, who are robbed and plundered of their goods by the persons aforesaid, if they did not pursue such robbers and malefactors with hue and cry, nor have answered for their bodies, according to the form of the statute heretofore made and provided at Winchester; and if the keepers of the peace in the counties of our Keepers of the said land of Ireland should be negligent in the execution of their office, peace to be punished for we will and command that frequent inquiry be held touching their negligence. neglect and careless conduct, by our Justiciar of Ireland; and that he punish and chastise them, by imprisonment of their bodies, and by fines to be made with us, according to the manner, quality, and quantity of their faults, neglects, and offences.

VI. Also, whereas by occasion of charters of pardon of felonies and Charters of trespasses, by those who have hitherto been our Justiciars of Ireland, not be granted, generally and improvidently granted, seditions, manslaughters, robberies, parliaments thefts, and trespasses have been more frequently committed, and other or councils. evils innumerable have ensued thereupon; we will and command that such charters be not granted from henceforth, except in parliaments or councils, by the assent and advice of the said parliaments and councils, having regard to the qualities of the persons and of the offences committed: provided that no general pardon be thereof Felonies to be granted, but that the felonies or trespasses committed be specified and pardons. expressed therein, according to the tenor of a certain statute by us and our council of England made, and sent into Ireland to be observed.

[17 Edward II., c. 6, see p. 294.]

The council of Ireland, &c., to certify into England only true reports as to the state of Ireland.

VII. Also, whereas our council of Ireland and certain prelates, magnates, communities of cities and towns, and likewise others being messengers sent from Ireland, have by letters and suggestions untruly certified us and our council in England from time to time, that good peace was preserved, in our said land of Ireland, and that peace in all parts or in divers marches had been re-established; in which times there occurred greater manslaughters, burnings, and plunderings of the English marches and other mischiefs, from sudden invasions of the enemy, than in times of wars; and we confiding in such certificates, did not provide defences and other remedies, as behoved us, in convenient time, whereby divers countries are weakened and wasted; the which deceits and delusions in such certificates we intend not to pass over in silence, but to punish; we will, and under heavy forfeiture to us do command, that from henceforth no prelates, magnates, communities, or any others, for the avoiding of future dangers, dare or presume, upon the procurations of any of our officers or otherwise, to certify us and our council in such case, except of the truth of the fact; and if they presume so to do, and be thereof found guilty. we shall cause them to suffer due punishment.

Marriage between English and Irish and fostering prohibited. VIII. Also, whereas by marriages and divers other ties and the fostering of infant children among the English dwelling in the marches, and the Irish, and by forewarnings and espials made on both sides by the occasions aforesaid, infinite destructions and other evils have happened hitherto, and the expeditions of us and of our Justiciars there in our name, as well in acts of war as in other useful progresses, have been impeded; we will and command that such marriages, to be contracted between English and Irish, and other private ties and fostering of infant children, from henceforth cease, and be altogether done away; and that our Justiciar of Ireland for the time being make diligent inquiry from time to time, of such marriages between English and Irish, ties and fostering of infants, and of the adherings together, forewarnings and espials made by such occasions, if hereafter any happen to be contracted or made, and punish the offenders according to the law and custom of our land of Ireland.

Mayors and officers of the staple not to exceed their jurisdiction. IX. Also, whereas the mayors, constables, and other officers of the staple of Ireland, by colour of the statute of the said staple, hold cognisance of, and make erroneous and unjust processes in, pleas of debts, trespasses, and divers other complaints, which concern not the merchandise of the staple, and of old causes before the time of the said staple, like as in matters and pleas of the staple, to the very grievous damage of our people of those parts: we will, and prohibiting command, that the said mayors, constables, or other officers of the said staple, do not

hold any other pleas than those which belong to them, according to the force, form, and tenor of the aforesaid statute of the staple; and if they so do, that our said Justiciar from time to time thereof make inquiry, and duly punish the offenders.

X. Also, whereas certain officers, both great and small, and the Champerty serjeants who plead in our courts there, and sometimes the clerks of the Places, notwithstanding the statutes enacted touching champerties, as well for gifts and bargains, as mutual covenants among themselves and some of the parties pleading before them, to have the lands in ples when they should be recovered, have maintained, defended, and aided one of the parties; so that commonly the land so in plea, and recovered through an error in justice, by the maintenance and aid of the aforesaid officers and serjeants, has remained in the hands of some one of them, without his paying anything or but little for the same; and thus the parties are cheated out of their land, and having lost the expenses incurred in the said pleas, have been brought to poverty or a miserable state; we will and command, and strictly enjoin, under heavy forfeiture to us, and under the penalties contained in the said statutes, that none of our officers great or small, serieants or any clerks whatever, make or carry on such maintenances, defences, or aids to parties upon such occasions against justice, nor acquire land so in plea, or attempt any thing else, against the form of the said statutes.

XI. Also, whereas writs of debts and trespasses and other things be. Common Pleas sides, which ought to be pleaded before our justices at common pleaded in the Exchequer. law, are commonly pleaded in our Exchequer of Dublin by writs of the said Exchequer, whereby our Treasurer and Barons, and the clerks of the said Exchequer, being occupied about such pleas, are hindered from attending to the business of us and our people, which belongs to their offices in the said Exchequer, by the law and custom of the said Exchequer, whereby the said businesses are daily delayed, to the grievous damage of us and our people; we will, and strictly enjoining do command, that such common pleas be not pleaded in the said Exchequer, contrary to the form of the statute thereof made and provided; and that the Chancellor of the said Exchequer, if he do sign such writs at common-law, or do cause or suffer the same to be signed under the seal of the said Exchequer, for the contempt done unto us, and for the wrong brought upon the party, answer as he ought to do, before our Justiciar, either by our writ or by bill.

XII. Also, whereas through false and untrue suggestions of certain Bills and persons of Ireland passing to and fro, having railing tongues, and suggestions striving to injure the fame and reputation of our good officers and other transmitted under great

seal of England to the Justiciar, &c., of Ireland for enquiry.

liege subjects in those parts, as well by bills as suggestions, not without scandal, the affairs of us and our land are thereby often hindered; we will and ordain that from henceforth such bills and suggestions, when put into writing, be transmitted under the seal of the chancellor of England for the time being, to our Justiciar, Chancellor, and Treasurer of Ireland for the time being; to the end that they, calling unto them such others as they shall think meet to be called, in the presence of the said comers to and fro, or brokers, whom we do likewise will to be sent back into Ireland, make diligent inquiry of the contents of such bills and suggestions aforesaid; and if the bills and suggestions do contain truth, that they duly correct and amend And if the said comers to and fro, and brokers have the defaults. suggested falsehoods and lies, that they suffer due punishment, that such punishment may afford a warning to others to abstain from such things.

In treaties of peace between the Justiciar and the Irish, satisfaction agreed on shall be strictly exacted.

XIII. Also, although in the renewals of peace between our Justiciar of Ireland and the Irish, upon the wars stirred up on either side, it has been commonly expressed that for damages caused by wrong-doers, peace broken, or mutual depredations done by invasions, restitution of goods or due satisfaction should be made to those who had suffered losses; yet the Justiciars heretofore have not taken care insist upon the making such satisfaction to the English injured, whereby the said English have been hitherto oppressed, and the enemies being thereby enriched, have been eager so much the sooner to break the peace, and to commit plunders and other direful evils; we will and strictly command, that the Justiciar of Ireland for the time being, when it shall have been ordained by peaces and treaties of peace, or otherwise, that such satisfaction should be made on either side, diligently insist and take care, that in such case, mutual justice and speedy satisfaction be done to those who have suffered injury in that behalf.

XIV. Also, whereas the sheriffs of counties in Ireland have often and repeatedly by grievous distresses, levied of the people of their bailiwicks, many and divers debts of the green wax, and other debts arising upon summons and estreats, and otherwise in demands; and have neither charged themselves in their accounts, nor, at the Exchequer aforesaid acquitted those who paid, to our great damage and the manifest oppression of the people; we being minded to apply a remedy in this behalf, do will and strictly command, that our Justiciar of Ireland for the time being, in every county in which he shall hold his sessions, diligently inquire, that is to say once in the year at least, concerning such debts so paid to the sheriffs by those of the people, whether once

The Justiciar of Ireland shall enquire of King's debts paid to the sheriffs.

or more, that is to say, as well for the time past, as he shall deem expedient, as for the time to come; and that all such debts, which, by tallies or acquittances of the said sheriffs, or the under sheriffs or serjeantsgeneral of those counties, or seneschals, or bailiffs, or other officers, or by inquests thereof to be taken or by other lawful means, it can be made appear, have been paid to them by those of the people, together with the names of the receivers and payers, he cause to be en- And certify rolled and put into writing, and those rolls to be sent under his seal to names of the Exchequer aforesaid: to the end, that the Treasurer and Barons naverainto of the said Exchequer, upon inspecting those rolls, and examining the Exchequer. the rolls of accounts of those sheriffs and other officers aforesaid, there remaining, and other rolls and remembrances touching the premises, calling before them the sheriffs, officers, and others who should be called, cause the said sheriffs and officers to be charged with the sums which it may be made appear that they did so levy, without charging themselves in their accounts or otherwise for the same, and for the concealments in that behalf to be punished, and the payers of the Exchequer to same to be acquitted at the said Exchequer; and if the said debtors and acquit have paid one and the same debt many times, that the said sheriffs payers. and officers or their heirs or executors, be compelled to restore the same beyond one receipt to the said debtors, their heirs or executors, shall be comas is just. And if the aforesaid Justiciar cannot attend to these matters, pelled to refund overbeing hindered from various causes, we will and command, that three payments. or two of the most trusty and lawful men of those counties be assigned, by commissions under our great seal which we use in Ireland, to inquire, and to do and fulfil all other things in the same article contained, in the form aforesaid.

Sheriffs, &c.

XV. Also, although many of our debtors have paid their debts re- Acquittances of debts to be quired of them, at the aforesaid Exchequer, and have been discharged entered in and acquitted thereof in the great rolls of the said Exchequer, yet those rolls, debtors, in the rolls of the remembrancers of the said Exchequer, whence the exaction of those debts has issued, are not acquitted of the said debts; whereby the very debts paid do almost daily run in demand, and they being so acquitted, nevertheless under pretext of exactions issuing from the remembrancers' offices, by grievous distresses, with grievous expenses and trouble, being compelled to come to the said Exchequer for this reason, and to plead, and to pay large sums for making searches in the said remembrancers' offices, are miserably oppressed; we will therefore, and do strictly command, that the Treasurer and Barons of the Exchequer aforesaid, do enjoin and cause the engrossers of the said Exchequer, when any such debtors have been made quit of debts in the said rolls, forthwith to show those acquittances

to the aforesaid remembrancers, and the said remembrancers to be thereof in like manner discharged and acquitted in their rolls; under a heavy penalty, either pecuniary or otherwise, upon those in whom neglect or omission in this behalf shall have been found, by our said Justiciar and others of our council, in their discretion, to be imposed.

The King's subjects not to be taken or imprisoned by the justices without indictments or presentments.

XVI. Also, whereas certain of our justices of Ireland have arrested, taken, and imprisoned divers men of Ireland great and small, by writs, precepts, bills, and otherwise, at their will, and without indictments, presentments, or due processes, and have detained them in dark prisons and bound in irons, until through duresses, imprisonments, and penalties inflicted, they made fines and ransoms with the said justices and their private counsellors and brokers according to their pleasure, to their own personal profit and not to ours, against the form of the Great Charter and other our statutes thereupon made, and against the law and custom of the said land; so that by means of such private counsellors and their covetousness and personal profits, our rights and those of our Crown, and our profits have been often withdrawn, injured, subverted, and lost; and likewise many persons, as well those indicted as those not indicted, and imprisoned, have besought the said justices to have their deliverances according to the law and custom of the said land, which they could not obtain at the common law, until they made and paid in like manner such fines and ransoms with the said justices and their private counsellors, to receive for their own use and not for ours, for having their deliverances at common law, or gave them security for the same as contented them; we will and strictly command, that men being our subjects, without indictments, presentments, or other due processes, against the form of the charter and statutes aforesaid and the law and custom abovementioned, by our justices of Ireland, for the time being, or their deputies, or by their precepts, or mandates, or bills, by no means be taken or imprisoned. And if the contrary be done, as well for the time past as in future, we shall cause timely remedy to be applied against the offenders, according to the advice of our council, at the complaints of the parties aggrieved and making complaint.

The Justiciar of Ireland, with a prelate, earl, the chancellor and others shall yearly enquire into the conduct of inferior officers.

XVII. Also, whereas by the good and discreet government of officers, the land and people are strengthened, and affairs have a prosperous issue, so by their neglect and carelessness unexpected evils arise, wrongs happen, and businesses are in various ways obstructed, we will, and for the public weal of ourselves, and our land and people of Ireland, do ordain, that our Justiciar of Ireland for the time being, taking unto him a prelate and an earl, of the parts nearest to those where the inquests following ought to be made, and the Chancellor and Treasurer

and certain others of the more learned justices of the Places, and Barons of the Exchequer there, every year about the middle of the year, by the oath of good and lawful men, as well clerks as knights and other lawful men of the county of Dublin, and also of other counties, if need be, of our said land of Ireland, make diligent enquiry concerning the actings and doings of our officers of the aforesaid land (the Chancellor, Treasurer, and Justices of both Places and Barons of the aforesaid Exchequer, who are judges in their own Places, and award judgments, alone excepted), that is to say, in what manner each of them bears himself in his office and does his duty, and how he does justice, or wrongs, or oppressions, or grievances, or damage unto us or our people, as well in the country as in his Place, by colour of his office or of royal commissions thereof made to him, or for gifts perverts justice or aggrieves any man, and of all circumstances and other things that cause damage or prejudice to us and wrong or grievance to our people. And of every of those things which shall be so found by such inquests, that he certify us and our council in England with- Their proceedout delay, under his seal and the seals of those so associated with ings to him, and of those likewise by whom they shall have been made: we King and council in enjoining the said Justiciar that he take the said inquests every year England. in form aforesaid, and certify us thereof as aforesaid. we will, and in commanding ordain, that our said inferior officers The inferior (the greater officers being as aforesaid excepted), that is to say, each answer before of them at the end of every year if need be, and also, when they shall the Justician for their be removed from their offices, forthwith after such their removals, excesses. before the aforesaid Justiciar and the other persons aforesaid to be associated with him, answer for their excesses and other matters aforesaid, as well at the suit of us as of our people, and of any private persons of the said people, and undergo justice according to the law and custom of our aforesaid land of Ireland; which we will and command to be done by our said Justiciar. And that the said Justiciar and the others associated with him, likewise certify us and our council in England, as often as need be, of the state of our said land and of our affairs there, and of the acts of the officers aforesaid.

XVIII. Also, although as well those English born in Ircland, The Justiciar as those born in England and dwelling in Ireland, are true enquire of dissensions

English, and live under our dominion and government, and use between the same laws, rights, and customs, yet divers dissensions and main-natives of England and tenances, by reason of race, between those that are natives of Ireland Irish of English and those that are natives of England, have arisen and are made here and there, whence many evils have heretofore happened, and it is to be feared that greater will happen, unless a remedy be applied thereto;

to us.

we will and strictly command that our said Justiciar, calling unto him

our Chancellor and Treasurer of Ireland, and certain prelates and earls whom he shall think fit to be summoned when they shall be in the neighbouring parts, earnestly inquire many times and often, as need may be, concerning such dissensions and maintenances when they arise, and of the names of those who make such dissensions and maintenances and take part therein, and punish and chastise the delinquents, when they shall be thereof convicted or found guilty, due process being observed, by imprisonment of their bodies and heavy ransoms to be made to us, and otherwise as justice requires; because such dissensions and maintenances tend but to produce, by some means or other, schism, divisions, and treasons among the people subject

Punishment.

of offenders

Frauds, &c.,
by farmers of
the clerkship
of the market
to be enquired
of and
punished, &c.

XIX. Also, whereas the farmers of the office of clerk of the market in Ireland, thirsting for their own private gains, do not execute the duty of the said office, according to the form of the statute thereof made, nor otherwise according to right; but commonly, for fines and other ransoms, do not view nor examine the measures and other instruments pertaining to that office, nor break the false nor seal the true, nor otherwise duly punish delinquents; and very often, when fines are made to us before them, and amercements belonging to us are inserted in their rolls and enrolled, do either cancel such fines and amercements to us belonging, by erasing the same from their rolls, for money or other gifts paid to them by the offenders, or make new written rolls wherein they write not these fines and amercements so cancelled, but put them wholly out, and the fines and amercements that are made and not enrolled, they remit, and other deceits, extortions, oppressions, grievances, and excesses, as well unto us as our people in those parts all over Ireland, they do, and the same and other the things aforesaid, have done, remitted, and perpetrated, in contempt and prejudice of us and to the manifest destruction and injury of the said people, and against justice and the form of the statute aforesaid: we will and strictly command that our Justiciar of Ireland for the time being, in every county and place through which he shall pass, associating with him a prelate of the place, and some earl or other nobleman or knight of the neighbourhood, make enquiry concerning the aforesaid deceits, extortions, oppressions, grievances, and excesses, and all the matters aforesaid by the said farmers howsoever committed, and of all their acts and doings in this behalf, as well at the suit of us as of any others whomsoever willing to complain thereof, as well for the time past as for the time to come; and proceed against them, and the contempts, deceits, extortions, oppressions, grievances, and excesses,

and other the matters aforesaid, hear and determine, and the delinquents and offenders when they shall be found such, punish and chastise, according to the law and custom of our land of Ireland before mentioned; and nevertheless distinctly and openly, from time to time, for good cause certify us and our council in England, of the names of those so offending, and the deceits, extortions, oppressions, and grievances and other matters aforesaid, under the seals of him the said Justiciar and of the others associated with him.

In witness whereof &c., Witness the King at Westminster, the Twenty-fifth day of October.

By the King himself and Council.

35 EDWARD III. A.D. 1360.

PRO CLERICIS DE NATIONE HIBERNICANA.1

FOR CLERKS OF THE IRISH RACE.

The King to his Justiciar and Chancellor of Ireland, greeting. Whereas hearing lately by the constant relation of certain people, that divers losses and disadvantages have happened to us and our faithful subjects of the land of Ireland, by reason that mere Irish, as well clerks as laymen, enemies to us, were appointed ministers and officials in cities, burghs, towns, castles, and other places in the said land, and were preferred to canonries and prebends in cathedral churches within our lordship, and other ecclesiastical benefices among the English, we commanded you that you should cause to be publicly proclaimed in the cities, burghs, market-towns, and other places in each county of the said land, that no mere Irishman, being of the Irish race, should be made mayor, bailiff, janitor, or other official or officer in any place subject to us, nor that any archbishop, bishop, abbot, prior, or any other, being of our fealty, under forfeiture of all that he could forfeit to us, should by reason of relationship, affinity, or in any other way whatsoever, receive into a canonry or prefer or admit to any ecclesiastical benefice among the English, any mere Irishman being of Irish race, as is aforesaid, but that all benefices by whomsoever of them to be conferred should, when vacant, be conferred upon English clerks or others who are of our fealty and obedience in the said land. And whereas now, on behalf of the clerks of the Irish race who dwell among the English in the said land in our fealty and peace, prayer has been made to us by their petition before us and our council in our present Parliament exhibited, that whereas they, as mere Irish our enemies, although they are not such, have been excluded from ecclesiastical preferment within the said land in our lordship, by virtue of the said proclamation, we should be willing to consider their condition and constancy in continually and unswervingly abiding in our fealty, and to provide a remedy for them hereupon. And because it is not just, nor was it nor is it our intention, that clerks of the Irish race who have continually

The text, taken from Close Roll, Engl., 25 Edward III., m. 40, is printed in Rymer's Fadera, Vol. III., part 2, p. 606, and in Prynne's Animadversions (1669), p. 296.

and unswervingly remained in fealty and obedience to us, as others of English race, and still so remain, and of whose character and good behaviour towards us and ours you shall have good information, should be reckoned as of the condition of our Irish enemies, or so excluded from their preferment; we command you that you do not in aught molest or oppress any such Irish clerks, our faithful subjects, on account Irish clerks of of the receiving or accepting of ecclesiastical benefices which are within loyalty not to our lordship of the said land, or prelates or other patrons of the said from ecclesibenefices by reason of the presentation or admission of such clerks, astical benefices, &c. our faithful subjects, to the same, nor allow them to be molested or oppressed by others our officers, so long as they behave themselves well and faithfully towards us and ours, as is aforesaid, the said proclamations or any mandates whatsoever to the contrary to you directed notwithstanding. Witness the King at Westminster the fourth day of March.

By the King himself and by petition of Parliament.

35 EDWARD III. A.D. 1360.

[Memoranda Roll of the Exchequer, 34 & 35 Edward III., m. 14 f.]

Statutum.

¶DWARDUS dei gra Rex Angt Dns Hibn € Aquit. Justic Cancellar & Thes suis Hibn qui nunc sunt vel qui p tempe erunt salim. Quia volum' qd ordinacoes p nos * consiliu nim Angi fce in dca fra nra * scecio nro Dublin teneant * observent * p totam fram Bdcam publice pclament quaz ordinaconum tenor subsequit in hec vba. Ordeigne est p nre seign' le Roi * son conseil p' meschefs * damages q sourdent de ior en autre en la fre Dirlande p les enemvs Irreys * pr sauuer lestat du Roy en la dite fre q le tresor le Roy issaunt des pfitz de la dite fre soit mientz gardez * emploie q nad este fait deuaunt ces heures, e q nuls regardes des Ministris no des aufs ne soient geuntes a nully psone en Irlande sans la psence * assent de Chanceller & Tresorer qu grount illoeges pr le temps. Item q les viscontes de mesme la Pre ne soient faitz ne ordeignes si noun p eleccion des mientz vauez de chescun Countee cest assanoire p dusze ou vynt e qatre quielx deinent responndre au Roy preulx * pr leure faitz * pr la resceyte de leur temps sicome deuaunt cez heures estoit vsez ne q les custumers ne soient faitz ne remuez p peurement de nully sil ne soit p Tresorer * Barons de lescheqer selonc la forme de lestatut ent faite. Item p cause de diffsez damages e pdes q le Roy ad encoru p fauses enquestes pris p lescheteour de la dite fre, ordeyne est q lescheteour gore est illoeges soit ouste, * q chescune viscounte dedeinz sa baillie soit charge del office de eschetery a respoundre au Roi des issues de mesme

35 EDWARD III. A.D. 1360.

IDWARD by the grace of God, King of England, lord of Statute. Ireland and Aquitaine, to his Justiciar, chancellor and treasurer of Ireland, who now are or who for the time shall be, Whereas it is our will that the ordinances by us and our council of England made, should be held and observed in our said land and in our Exchequer of Dublin, and through our entire land aforesaid should be publicly proclaimed. the tenor of which ordinances follows in these words:

It is ordained by our lord the King and his council, on account of the mischiefs and damages which from day to day Profits of the King's lands. arise in the land of Ireland through the Irish enemies, and to save the King's estate in the said land, that the King's treasure issuing from the profits of the said land be better kept and employed than has been done heretofore, and that no rewards of officers nor of others be granted to any person in Ireland, without the presence and assent of the chancellor and treasurer who for the time shall be there.

Also that the sheriffs of the said land be not made nor ordained except by election of the most worthy of each county, Sheriffs to be elected by to wit, by twelve or twenty-four, who ought to answer to the each county, King for them and for their acts and for the receipts of their &c. time, as heretofore was used; and that the customers be not made nor removed by the procurement of any person except it. be by the treasurer and barons of the Exchequer, according to the form of the statute thereupon made.

Also by reason of divers damages and losses which the King has incurred by false inquests taken by the escheator of the Sheriffs to act said land, it is ordained that the escheator who now is there be removed, and that every sheriff within his bailiwick be charged with the office of escheatorship, to answer to the King of the

I.

Lescheterie come ait este faict auaunt cez heures, et q le Tresorer Dirlande qi p le temps fra face enquere p lui ou p ses deputez deuaunt q les viscountes soient resceuz dacompte rendre del office del Escheterie si les enquestes de mesme loffice p eux prises soient duement faites pr le pfit le Roy ou nemie, et si troue soit q elles ne soient duement faites q le dit Tresorer ou ses deputes enquergent de nouel selonc ce q mieuls verront q soit pr pfyt du Roy. Item ordeigne est q nulles fres esteauns en la maine du Roi pr dettes dues au Roi, ne nulles gardes ne mariages ne soient gantez comises ne lessetz a nully sil ne soit p assent du Tresorer qi pr le temps gra illoqes, ne q nulles acomptes de gages de guerre ne soient receus ne oiez p bref dacompt dicelles forsq tantsoulemt p le Clerk de gages a ce iurre, ne q nule mafie de guerre soit pris ne comencie p les Justices sauns assent * auis du Chaunceller Tresorer * aufs du conseilt le Roi en celles pties. ordeigne est q les Seneschaulx & Resceiuors de les demeisne Pres du Roi en la dite Pre soient faites desore p lauis 🔻 ordinance du Chaunceller * Tresorer * aufs du conseilt le Roi, et en cas q ceux q sount ore Seneschaux * Receiuors des ditz Pres ne soient mie couenables ne suffisaunce soient sauns delaie oustes * auts mys en lor lieux p lauis * ordinance auauntditz. Item pr ce q plusors quunt eu comission du geunt seal ou del Escheger de Irlande ou en autre masse de s'uere & hastier la leue des dettes le Roy souentefoitz receyuent meismes les dettes ou ptie dicelles * p cause qen lor comission nest pas fait mencion de receyt des ascune deniers si nount il mye deuaunt ces heures acomptu a lescheger naillors de lor receytez disauntz qils ne sount mie tenuz dacompter p lor comission de qei le

VI.

issues of the said escheatorship, as has been done heretofore; and that the Treasurer of Ireland who for the time shall be, Inquesta make inquiry by himself or by his deputies, before that the as such sheriffs be received to render account of the office of the escheatorship, whether the inquests of the said office by them taken be duly made for the King's profit or not, and if it be found that they are not duly made, that the said treasurer or his deputies inquire anew, according to that which seems to them best for the King's profit.

Also it is ordained that no lands being in the King's hands for debts due to the King, nor any wardships or marriages, be As to letting granted, committed or let to any person, unless it be by the King's hands. assent of the treasurer who for the time shall be there, and that no accounts of war pay be received or heard by writ to Accounts of account for the same, except only by the clerk of the [war] war pay. pay thereto sworn, and that no manner of war be undertaken No war withor commenced by the justices without the assent and advice of out consent of the council. the chancellor, treasurer, and others of the council of the King in those parts.

Also it is ordained that the seneschals and receivers of the demesne lands of the King in the said land, be appointed from Appointment of seneschals, henceforth by the advice and ordinance of the chancellor &c., of King's and treasurer and others of the council of the King. case those who are now seneschals and receivers of the said lands be not fitting or sufficient, that they be removed without delay and others put into their places, by the advice and ordinance aforesaid.

Also forasmuch as many who have had commission of the great seal or of the Exchequer of Ireland, or in other manner Accounts of levying the to oversee and dispatch the levying of the King's debts, often-King's debts times receive the said debts or part thereof, and because that to be rendered at the in their commission there is not mention made of the receipt Exchequer. of any moneys, therefore they have not heretofore accounted at the Exchequer or elsewhere for their receipts, saying that they are not bound by their commission to account, whereby the

Roy ad eu gaunt pde a damage en temps passe a plus enaus de ior en autre, si ent remedie ne soit fait, p quei ordeigne est pr tiel pde * damage escheure q toutz ceux qont eu ou aßs ces heures adount tiels comissiouns de sueer e hastier la leuce des dettes le Roi rendent accompte a Lescheqer de Dyuelyn des deniers e autres choses du Roy p eux receuz e a receuire * as dites acomptes rendre soient p le Tresorer * Barons del escheqer p poesse de mesme Lescheqer compuls & destreintz en la plus redde maffe come home poet resonablement sils ne voillent venir de gree nient contreesteaunt q lor comissiouns ne facent mencion de nult receyte. Item pr ce q les viscontes s' le rendre de lo acomptes a Lescheqer se excusent souent de rendre lor acomptes p cause q ceux gount les gantz siancies as queux les ret'nes des maundementz è preptz le Roy sont p les viscontes lifes, ne sont mie a celle temps pstez pr auower lor retrnes, * issint sont les dettes le Roi en defaute des ditz fiantz gantement delaiez dont le Roy ad encoru gant damage p celle cause, si est ordeigne q touz ceux q tienent tielx siancies en fee ou en autre masse soient artez * destreintz destre s' lacompte des viscontes pr auower lor retrnes. Et sils ne veignent mie a ior a eux sr ce done tout eient il dont estre destreintz ou neient point, soient les siancies pris en la main le Roy & ceux qi les tenoient ent oustez de tout, & soient mesmes les siancies issint prises en la main le Roy baillez as aul's siantz couenables & suffisauntz p lauis & descrecion du Chanceller, Tresorer & Barons del Escheger. Et ideo vobis € cuilibt vr̃m iniungim° € mandam° qd omes ordinacoes pdcas in tra fira poca in locis vbi expedire videritis, tam infra libtates qum extra publice pelamari e in eadem fra ac de

King has had great loss and damage in time past, and will have more daily, if remedy be not made therein. Wherefore, to avoid such loss and damage, it is ordained that all those who have had or hereafter shall have such commissions to oversee and despatch the levving of the King's debts, render account at the Exchequer of Dublin of the moneys and other matters of the King by them received and to be received, and be compelled and distrained to render the said accounts, by the treasurer and barons of the Exchequer, by process of the said Exchequer, in the most speedy manner that they reasonably can, if they will not come of their own accord, notwithstanding that their commissions do not make mention of any receipts.

Also whereas the sheriffs, upon the rendering of their accounts at the Exchequer, often excuse themselves from Holders of rendering their accounts by reason that those who have great senties to serjeanties, to whom the returns of the King's mandates and attend on precepts are delivered by the sheriffs, are not at that time accounts. ready to avow their returns, and so by default of the said serjeants, the King's debts are greatly delayed, whereby the King has incurred great damage from this cause. it is ordained that all those who hold such serjeanties in fee or in any other manner be compelled and distrained to attend upon the account of the sheriffs, to avow their returns. if they do not come upon the day to them thereupon given, whether they have whereof to be distrained or not, that the serjeanties be taken into the King's hand, and those who held them be entirely removed therefrom for ever, and that the said serjeanties so taken into the King's hand, be committed to other serjeants fitting and sufficient, by the advice and discretion of the chancellor, treasurer, and barons of the Exchequer.

And therefore we enjoin and command you and every of you, that you cause all the aforesaid ordinances in our land aforesaid, in the places where it shall seem best, as well within liberties as without, publicly to be proclaimed, and in the said

scacio Dublin firmio teneri e obsuari e in rotut ejusdem scacii irrotulari, e vos pfate Thes psentes tras in deo scacio saluo custodiri fac. In cui rei testimoniu has tras nras fieri fecimo patentes. T'. me ipo apud Westm quarto die Marcii anno r n tricesimo quinto.

p ipm Reg.

land and in the said Exchequer of Dublin firmly to be held and observed, and in the rolls of the said Exchequer to be enrolled, and that you the aforesaid Treasurer, cause these present letters in the said Exchequer safely to be kept. In witness whereof we have caused these our letters to be made patent. Witness myself at Westminster, the fourth day of March, in the thirty-fifth year of our reign,

By the King himself.

40 EDWARD III. A.D. 1366.

[CAREW MS. 603, fol. 165-172-LIBRARY, LAMBETH PALACE.]1

The statute of killkenny enacted att a parliment held under Lionell Duke of Clarence son to kinge Ed: 3: in ano

YOME a la conquest de la terre dirland * long temps apres les Engleis de la dit terre vserent la lang morture 2 * vesture Engleis * furent governez et reulez et lor subgits appellez Betaghez p la lei Engleis en quel temps Dieu et st. Esglise et lor franchises solonc lor condicions tenuz en subjection et ore plusors Engleis de la dit terre gueppissant la lang gis monture leys et vsages Engleis vyuent et se governem' as maners guise et lang des Irrois enemies et auxiant out fait diùs mariages e aliaunces enter eux et les Irroies enemyes au untditz dont la dit terre et le lieg people de icelle la lang Engloies ligeance a nre seignor le Roy due et lez leis Engleis illoeq^{ss} sont mis en subjection * retretz * les enemyes Irroies enhanser & releuez encontre reson: ñre for le Roy considerantz les mischiefe suisditz pr les grevouses pleintz des cões de sa dit terre appellez a son pliamt tenus a Kilkeny le Joesdy pschin aprez le feste de Cendres lan de son roialme quarantisnre 3 devant son ffame 4 fitz Leonell Duc de Clarence son Lieutenant es pties dirland al honure de dieu et de sa gloriouse meere * de seint Esglise et pr la bone governem' de la dit terre et quiete du people et pr les leies mult garder et lez meffessours chastier si sont ordinez et establiez p nre dit for le Roy et son dit lieutenant et le Counseil nre seignor le Roy illoeques del assent des Ercevesq Evesques Abbez et Pior en ce q apptient a eux de assenter Comitez Barouns * aut's coes de la dit terre a dit

¹ This transcript of the Statute has been collated with Lambeth MS. 608, fol. 1-8, and with Titus B. XI., fol. 129, Brit. Mus.

² monture in MS. in B. Mus. ³ Lan quarantieme de son Reigne in MS. B. Mus.

⁴ tres aime in MS. B. Mus.

40 EDWARD III. A.D. 1366.

THE STATUTES OF KILKENNY.

THEREAS at the conquest of the land of Ireland, and for a long time after, the English of the said land used the English language, mode of riding and apparel, and were governed and ruled, and their subjects called Betaghes, by the English law, in which time God and Holy Church, and their franchises according to their conditions were maintained [and themselves lived] in subjection; but now many English of the said land forsaking the English language, fashion, mode of riding, laws and usages, live and govern themselves according to the manners, fashion, and language of the Irish enemies; and also have made divers marriages and alliances between themselves and the Irish enemies aforesaid; whereby the said land and the liege people thereof, the English language, the allegiance due to our lord the King, and the English laws there, are put in subjection and decayed, and the Irish enemies exalted and raised up, contrary to right; our lord the King considering the mischiefs aforesaid, in consequence of the grievous complaints of the commons of his said land, summoned to his Parliament held at Kilkenny, the Thursday next after Ash Wednesday, in the fortieth year of his reign, [18 Feb. 1366] before his well-beloved son Lionel Duke of Clarence. his lieutenant in the parts of Ireland, to the honour of God and of his glorious Mother, and of Holy Church, and for the good government of the said land, and quiet of the people, and for the better observance of the laws, and punishment of evil doers, there are ordained and established by our said lord the King, and his said lieutenant, and our lord the King's council there, with the assent of the archbishops, bishops, abbots, and priors (in that which appertains to them to assent to), the earls, barons, and others the commons of the said land

plemi illoego esceante a assembles les ordinaucez et articles desouth escriptz a tener et garder ppetuelment sur lez peynes contenus en vœelles.

- 1. Primerment ordine accorde est et estabile qe seint Esglise soit franc et eit toutz ses franchises sauns emblemisement solone le frauchises ordines e grauntz p nre for le Roy ou ses pgenito" p estatut ou ordinaunce fait en Angliterre ou en Ireland au*nt ses heures * si ascun qe dieu defend veigne al encontre * p le ordinare de lieu p celle cause soit escoinge issint qi si gree ne soit fait a Dieu et seint Esglise p la ptie issint escoinge dedeins le mois aprez tiel escoingement qe adonq apres certification s' ceo fait p le dit ordinare en la Chauncellere soit bre 1 maunde a viscont maier seneschall de fraüchise ou altre ministres nre seignor le Roy de prendre son corpus et tenier en pison sanz luy mistre 2 p mainpris ou enbaile tange gree soit fait a Dieu et seint Esglise nient contristant qe les quarant iore ne soit passez et qe nul phibicion de la Chaunc soit desormes graunte a nulluy suit encontre la fraunchise de seint Esglise salvantz toutz foitz le droit nre seignor le Roy & de sa coroner³ issint qe les frauchises de seint Esglise ne soit effuez ou emblemis et in case que p suggestion de ptie phibicion soit graunte qe tantost monstra p le ordiner le article de la fraunchise en la chauncellerie consultacion ent a luy saunz delay soit graunte.
- 2. Item ordine est et estabile qe nul alliance p mariadge compainitee nurtur de enfantz concubinauce ou de caif ne de altre manere desormes soit fait pentre Engloyes et Irroies de vn ptee ne de altre pte. Et qe nul home Engleys ne alfe psone a la pees esceant ne donne ne vende a nully Irroies en temps de pees ne de guerre chivavx ne Armor ne man de vittaile en temps de guerre. Et si ascun veigne al encontre et de ceo soit Atteint eit Judgement de vie et de membre coe traitor ñre for le Roy.

incontenant inserted here in MS.B. Mus.

² mettre in the other MSS. 2 corone in MS. B. Mus., From Gaelic ownA.

at the said parliament there being and assembled, the ordinances and articles under written, to be held and kept perpetually upon the penalties contained therein.

Firstly, it is ordained, agreed, and established, that Holy Church be free, and have all her franchises without infringe- Freedom of Holy Church. ment, according to the franchises ordained and granted by our lord the King, or his progenitors, by statute or ordinance heretofore made in England or in Ireland; and if any (which God forbid) do to the contrary, and be excommunicated by the Ordinary of the place for that cause, so that if satisfaction be not made to God and Holy Church by the party so excommu-Satisfaction nicated, within the month after such excommunication, that excommunithen, after certification thereon made by the said Ordinary, cated. into the Chancery, a writ be sent to the sheriff, mayor, In default, seneschal of franchise, or other officers of our lord the King, to ment, take his body, and keep him in prison without letting him out by mainprise or bail, until satisfaction be made to God and Holy Church, notwithstanding that the forty days be not passed: and that no prohibition of the Chancery be henceforth No prohibigranted at the suit of any against the franchise of Holy Chancery. tion out of Church; saving always the right of our lord the King and of his crown, so that the franchises of Holy Church be not Saving the diminished or infringed; and in case that by suggestion of the King's right. party, prohibition be granted, that as soon as the article of the Suggestion. franchise shall be shown by the Ordinary in the Chancery, consultation thereupon be granted to him without delay.

Also it is ordained and established, that no alliance by marriage, gossipred, fostering of children, concubinage or by No alliance by amour, or in any other manner, be henceforth made between between Engthe English and Irish on the one side or on the other. that no Englishman, or other person, being at peace, give or sell to any Irish, in time of peace or war, horses or armour, or any manner of victuals in time of war. And if any do to the contrary, and thereof be attaint, that he have judgment of life and limb, as a traitor to our lord the King.

Consultation.

And lish and Irish,

- 3. Itm ordine est a estabile qe chescun Engleys vse la lang Englies et soit nome p nome Englevs enterlessant oulterm' la manere de nome use p Irroies et qe chescun Engleys vse la manere guise monture et appeill Engleis solonc son estat > si nul Engleys ou Irroies confisant entre Engleys use la lang Irroies entre eux-mesmes encontre ceste ordinance * de ceo soit atteint soint sez terres * Tentz1 sil eit seisiz en les maines son for immediate tange qui veigne a vn des places nre for le Roy et trove sufficient seurtee de pndre et vser la lang Engleis * adong* eit restitucion de sez ditz terres p bre aissir hors de la dit placee en cas qe tiel pson niet terres ne Tentz soit son corps pris p ascuns de ministres nre for le Roy et maunde a la proschin gaole illoeq a dem rer tange qu ou autre en son nome trove sufficient seurtee en la manere Et qe nul Engleis que a la value de ce 3 des terres ou Tenemus ou de rent p anch mache 5 autrement qe en seale en guyse de Engleis & celluy qe fera le contraere & de ceo soit atteint soit son chivall forfait a fire seignor le Rov * son corpus a la pison tanqe qi face fine a la volunte de Roy p le contempt suisdit et auxiant qe les bnficers de seint Esglise confisantz entre Engleis vse la langue Engleis * silz ne facent eient lor ordinaries les issues de lor bñfice tange ilz vsent la lang Engleis en le manere suisdit et eient respit de la lang Engleis apprendre et de selles Bueier entre cy et le feste de seint Michell pschin auen'.
- 4. Item pr ceo qe diúsitie de governaunce de 6 diûse leis en vne terre fait diúsitie de ligeance et debate entre le people, accorde est et establi qe nul Engleis eiant debates ou autre Engleis desormes face namer ne βigne gadge destresse ne vengeaunce sr autr dount le people pra estre trouble mes

¹ Rentes in MS. B. Mus.

² Rentes in MS. B. Mus.

³ ch in the other MSS.

⁴ These words not in MS. B. Mus.

s an chavauche in the other MSS.

e at in the other MSS.

Also, it is ordained and established, that every Englishman use the English language, and be named by an English name, English to use leaving off entirely the manner of naming used by the Irish; language and and that every Englishman use the English custom, fashion, of riding, and mode of riding and apparel, according to his estate; and if any apparel. English, or Irish living amongst the English, use the Irish language amongst themselves, contrary to this ordinance, and thereof be attaint, that his lands and tenements, if he have Penalty of any, be seized into the hands of his immediate lord, until he come to one of the Places of our lord the King, and find sufficient surety to adopt and use the English language, and then that he have restitution of his said lands, by writ to issue out of the said Place. In case that such person have not lands or tenements, that his body be taken by some of the officers of our lord the King, and committed to the next gaol, there to remain until he, or another in his name, find sufficient surety in the manner aforesaid. And that no Englishman who has to the value of one hundred shillings of lands or tenements, or of rent by the year, ride otherwise than on a saddle in the English fashion, and he that shall do the contrary and be thereof attaint, that his horse be forfeited to our lord the King, and his body committed to prison, until he make fine according to the King's pleasure, for the contempt aforesaid. And also, that beneficed persons of Holy Church, living amongst the English, use the English language; and if they do not, that their Ordinaries have the issues of their benefices until they use the English language in the manner aforesaid; and that they have respite in order to learn the English language, and to provide saddles, between this and the feast of Saint Michael next coming.

Also, whereas diversity of government and divers laws in one land cause diversity of allegiance and disputes among The common law to be used the people, it is agreed and established, that no English by the Enghaving disputes with other English, henceforth make distraint the Brehon or take pledge, distress or vengeance against any other, or the whereby the people may be troubled, but that they sue each

disobedience.

suyent vers autres a la cõe lei et qe nul Engleis soit reule ea diffinition de lor debate p lei de Marche ne de Breon qe p reason ne doit estre nome lei eins malueis custume mez soient reulez come droit est p cõe lei de la terre come les liges ñre for le Roy et si ascuns face a le encountre et de ceo soit atteint soit pris et enpisone e lugge come Traitor et qe nul diffisitie de ligeance desormes soit fait entre lez Engleis nees en Ireland et les Engleis nees en Engleterre appellantz Englishobbe ou Irishdogg mes toutz soient appellez p vn noim les Engleis liges ñre for le Roy e celluy qe sra trove alencountre soit puny p impisonme dun an et puis reint al a volunte du Roy e p ceste ordinance il nest lentent ñre for le Roy qu list a chescuny qu purra prendre destresse pr srvices e Rentz a eux duez e pr damadge fessant come la cõe ley demaunde.

5. Item pr ceo qe la lieg people nre fior le Roy de sa fre dirland ne les guerres de mesme la terre ne pront resonablem estre governez saunz resonablement orden' la vent des vittaills, ordeine est et establie qe fichaundizes qe sont venus ou vendront a la de terre p que conque merchantz a qui port ville ou Citie qik arryuerent qe auent ceo qe lez ditz marchandises soient mys a vent qe le maire suffrevn Baily ou autre ministre qe eit la garde de le lieu ou lez ditz mchandises sront venduz facent ven' deuant eux deux de les pluis prodes homes e sufficeantz de mesme le lieu qu ne mellent riens de teux merchandises * le dit maier seneschall suffreyn ou Baily ove les ditz deux psones facent vener devant eux les merchauntz a quex les ditz mchaundises sont * les mariners * soient iurretz de loialm' dire et mustrer de le primer acat de lez ditz mchaundises * des costages s' ycells tanq' a porte et sr ceo p lez ditz maire Seneschall Baily ou Prouost et lez deux prodes homes auantditz soit resonable pris mis sr les ditz

other at the common law, and that no English be governed in the settlement of their disputes by March or Brehon law, which by right ought not to be called law, but bad custom; but that they be governed, as right is, by the common law of the land, as the lieges of our lord the King; and if any do to the contrary, and thereof be attaint, that he be taken and imprisoned, and adjudged as a traitor. And that no difference of allegiance henceforth be made between the English No difference born in Ireland, and the English born in England, by calling English born in Ireland and them English hobbe, or Irish dog, but that all be called by one in Ireland and those name, the English lieges of our lord the King, and that he who born in shall be found doing to the contrary be punished by imprisonment for a year, and afterwards fined, at the King's will; and by this ordinance it is not the intention of our lord the King but that it may be lawful for any one who can, to take distress for services and rents due to them, and for damage feasant, as the common law requires.

Also, whereas the liege people of our lord the King, of his land of Ireland, or the wars of the same land, cannot reasonably Mode of fixing be controlled, unless the sale of victuals be reasonably regu-merchandise. lated, it is ordained and established as to the merchandises which have come, or shall come, to the said land by whatsoever merchants, at whatever port, town or city they shall arrive, that before the said merchandises be put up to sale, the mayor, sovereign, bailiff, or other officer who has the ward of the place where the said merchandises shall be sold, cause to come before them two of the most discreet and sufficient men of the said place, who meddle not in such merchandises, and that the said mayor, seneschal, sovereign or bailiff, with the said two persons, cause to come before them the merchants to whom the said merchandises belong, and the sailors, and that they be sworn lawfully to tell and show the amount of the prime cost of the said merchandises, and of the costs on the same to the port, and thereupon that a reasonable price be put upon the said merchandises by the said mayor, seneschal, bailiff or provost, and by the two discreet men aforesaid, without showing favour,

prices of

mchandises saunz favor faire come illz proit alvouer deuent le Counseill ne for le Roy celles pties & a tieux prises soit venduz sauns pluis prendre sr forfaiter de ycelles coment que les ditz merchandises illoeque deueigmt a chars apres.

- 6. Item pr ceo qe terre qest in guerre bussoigne qe chescuny sa face able pr soy defende ordeigne est et establie qe les cões de la dit terre dirland qest en diffse maches de guerre ne vsent de sormes les Jues qe home appelle horling oue graundz bastons a pillot se la terre dont graundes males et maymes sont auenuz en enfeblement de la defense de la dit terre altres Jues qe home appelle Coiting einz se afforcent adressent de vseer a treer lez ark e agettyr les launces et altres gentiles Juyes qe apptinent as armes dont les Irroies enemyes p lez liges cões celles pties puissent le meoltz estre arrestus. Et si auscun face ou vse le contrarie a de ceo soit atteint, soit pris et enprison et reint a la volunte ñre for le Roy.
- 7. Item pr ceo qe p conspiracies confedracies comptiest mainteñes de quarell falx Jurror receyvor a dampptest en quarelles les liges cões de la dõe terre en prsuit en lor droitz sount mult disturbez grevez et disheritz, ordine est et estabile qe de ceux soit fait en chescun Countie p les Justice a tener le plees en le chief place diligent inquisition et de lor mainteynor soit duhe e redde execution fait diss eux qe ent sroit atteintz solone la forme de lestatut ent fait en Engleterre saunz fine ou redemption de eux prendre qe altres p tiel redemption suent abbaiz desyorible chose ou grevaunce de les ditz liges cões encontre ley faire ou mainteyn. Et qe sr ceo le Ercevesque Evesques de la dit terre chescun dedeinz sa dioc eient lez tres Patente ñre fior le Roy de la Chaunc dirland denquerer des articles au ntditz quut lor plerra. Et sr ceo

tirer in MS. B. Mus.

² champerties in MS. B. Mus.

³ Restemomours in MS. B. Mus.

⁴ This word not in MS. B. Mus. ⁵ These words not in MS. B. Mus.

⁶ de si horrible.

as they may be able to avow before our lord the King's council of those parts; and that they be sold at such prices, without taking more, upon forfeiture of the same, although the said merchandises should there become at charge afterwards.

Also, whereas a land, which is at war, requires that every person do render himself able to defend himself, it is ordained Hurlings and established, that the commons of the said land of Ireland, use of bows who are in divers marches of war, use not henceforth the and lances to be encouraged. games which men call hurlings, with great clubs at ball upon the ground, from which great evils and maims have arisen, to the weakening of the defence of the said land, and other games which men call coitings, but that they apply and accustom themselves to use and draw bows and throw lances, and other gentle games which appertain to arms, whereby the Irish enemies may be the better checked by the liege commons of these parts; and if any do or practice the contrary, and of this be attaint, that he be taken and imprisoned, and fined at the will of our lord the King.

Also, whereas by conspiracies, confederacies, champerties, maintainers of suits, false swearers, receivers of damages in Punishment suits, the liege commons of the said land in pursuit of their tors, mainrights are much disturbed, aggrieved and disherited; it is or-tainers, false dained and established, that diligent inquiry be made of those in every county by the Justices for holding pleas in the Chief Place, and of their maintainers, and that due and expeditious execution be made against those who shall be attainted thereof, according to the form of the statute in this respect made in England, without taking fine or redemption of them; that others, by such redemption, may be deterred from doing or maintaining so horrible a thing, or injury of the said liege commons, contrary to law. And that thereupon, the archbishops and bishops of the said land, each within his diocese, have letters patent of our lord the King, out of the Chancery of Ireland, to inquire of the articles aforesaid, when it shall please And, thereupon, according to the law of Holy Church,

swearers, &c.

solonc la lei de seint Esglise proceder difs eux p les censurs * de certifier en la dit Chaunc les nomis qe s'out deuant eux ent troves coulpables issint qe nre seignor le Roy al hon de dieu et de Saint Esglise governaunce de ses leys * salvacion de son dit people pra ent faire duhe punishm^{*}.

- 8. Item pr ceo qe de droit lay psone ne soi doit meller de dismes ou ascun bien espirituell encontre la volunte de Governor del Eglise a qe les dismes ou ceux choses espirituellz apptinent ordine est et estabile qe nul home graunde ne petit ne se melle ne preigne p vent ne en aultre manere dismes apptenantz a seint Eglise ou religion p extorcion ou manace ne a meyndre price qu pra vendre a aultre encontre la volonte celluy a qi lez ditz dismes apptenent et celluy que face alencontre re de ceo soit atteint face restitution a celluy qe eit sra greve re si voet pleindre de la double de la dit pris et puis soit reint a la volunte du Roy.
- 9. Item pr ceo qe disobesance a dieu et seint Eglise e mis hors de comunyon de xpienz ne poont ne doyuent de droit estre receuez a grace re for le Roy, ou a comunion de ses ministres, Ordine est e estabile qe quant les Erchevesque Evesques et altres prelates de seint Esglise ount escomeng entredice ou fulmyne lours censures de seint Eglise du ascun pson Englyes ou Irrois p reasonable cause a la request re seignor le Roy ou de lor office ou a suit de ptie qe apres qe la notificacon de ceux censures veigne a re foir le Roy ou a ses ministres que celles psones se les points pr ceux ils sunt excomges ne soient receux a la grace re dit for le Roy ne a comunion ou daliance de ses ministres ne in maintenance de nulle de lieg people en lor error tanque eient fait gree a dieu et seint Esglise et soint restitue come la ley de seint Esglise demaund,

¹ The last five words do not occur in the MS. B. Mus., but there are added the words—"de la double de lad pris et puis sil soit reyne a la volonte du Roy."

² qui en in MS. B. Mus. ³ prendre in MS. B. Mus.

⁴ futine in MS. B. Mus.

to proceed against them by censures, and to certify into the said Chancery the names that shall be before them found guilty thereof, so that our lord the King, to the honour of God and Holy Church, the government of his laws, and preservation of his said people, may inflict due punishment for the same.

Also, whereas, of right, no lay person ought to meddle with tithes or any spiritual goods, against the will of the As to sale governors of the Church, to which the tithes or such spiritual of tithes. things belong, it is ordained and established, that no man, great or small, interfere with or take by sale, or in any other manner, tithes appertaining to Holy Church or religion, by extortion or menace, or at a less price than that at which they may be sold to another, against the will of him to whom the said tithes belong, and that he who does to the contrary and be thereof attaint, make restitution to him who shall be aggrieved, and if he will complain, of double the said price, and afterwards be fined at the King's pleasure.

Also, whereas [persons guilty of] disobedience to God and Holy Church, and put out of the communion of Christians, Excommunicannot, nor ought of right to be received into the grace of our cated persons lord the King, or to the communion of his officers, it is or countenanced dained and established, that when the archbishops, bishops, or his officers. and other prelates of Holy Church, have excommunicated, interdicted, or fulminated their censures of Holy Church against any person, English or Irish, for reasonable cause, at the request of our lord the King, or in right of their office, or at suit of a party, that after the notification of those censures come to our lord the King, or to his officers, such persons, upon the points for which they are excommunicated, be not received into the grace of our said lord the King, or into communion or intercourse with his officers, or in maintenance in their error by any of the liege people, until they have made satisfaction to God and Holy Church, and be restored, as the law of Holy Church requires; and if a maintainer of such excommuni-

by the King

VIII.

* si maintenor de tiel pson excomge soit trove
 * attaint encontre lordinance auantditz soit pris et enpison et reint a la volunte le Roy.

10. Item pr ceo qe diverses guerres auent cez heures ont estez souent comencez * nient continuez ne mesnes a bone fyne einz de ptie pnantz dez enemyes a lor deptir petyt dauoir dont lez ditz enemyes furrount € sont de pluis hardiez de renoueler la guerre, Accorde est et establie qe guerre qe srra comencee aprez ceol heures soit pis p le consell ñre seignor le Roy p auisemi de flors cões a mchises del countee2 ou la guerre sourdera * contynue * finz p lor advise * counseil issint qe les Irroies enemys ne soint receuz a la pees tanq qu soit finableme destruit ou face restitucion entierment de les costage « mises dispenduz sr cel guerre p sa defaute * rebellicee * repaire a eux p q ou qux lez ditz misez € costages furront faitz € outre facent fyn pr le contempt a la volonte le Roy, et en cas qe hostages soient pris e dones a fire flor le Roy ou a ses ministres pr la pees tenir p ascuns de Irroies qe sils renouelent la guerre en contre la forme de lor pees qe execution de lor ditz hostages sauns delay ou fayutise soit fait solonc les auncient vsage de la dee terre en tiel case vse.

11. Item p^r mult de la pees maynten^r * droit faire sibn as Irroies enemyes esceantz a la peez come as Engleis Ordine est et establie q^e si null Irroies a la peez esseant p cheuesance ou acate de marchandize ou en altre maner deveigne debto^r a Engleis ou Irroies esceant a la pees q^e p cel cause nul altre person Irroies ou luy south luy ou en sa subiection ne sez biens soint arrestuz ne achatez ⁸ p^r tiel dette sil ne soit plegg p^r mesme le dette mez soit son recoveryr vers la principall deto^r come la ley demaunde * soit bn avise de bailer⁴ ses filchandises a tiel pson ou i¹⁵ puise avoir recovery.

¹ ceux in MS. B. Mus.

^{*} de la contre MS. B. Mus * for attachez.

^{*} doner in MS. B. Mus. *

* quil in MS. B. Mus.

cated person be found and attainted contrary to the ordinance aforesaid, that he be taken and imprisoned, and fined at the King's will.

Also, whereas divers wars have often heretofore been commenced, and not continued, or brought to a good termination, War only to be undertaken but by the party taking from the enemies at their departure by the King's a small tribute, whereby the said enemies were and are the advice of the more emboldened to renew the war; it is agreed and established lords, &c. that war which shall be commenced hereafter, be undertaken by the council of our lord the King, by the advice of the lords, commons, and marchers of the county where the war shall arise, and be continued, and finished, by their advice and counsel; so that the Irish enemies be not admitted to peace, until they be finally destroyed, or make restitution fully of the costs and charges expended upon that war by their default and rebellion, and make reparation to those by whom the said charges and costs were incurred, and moreover, make fine for the contempt at the King's will. And in case that Hostages. hostages be taken and given to our lord the King, or to his officers, for keeping the peace, by any of the Irish, that, if they renew the war contrary to the form of their peace, execution of their said hostages be made without delay or favour, according to the ancient customs of the said land in such case used.

Also for the better maintaining of the peace and doing right, as well to the Irish enemies being at peace as to the Remedy for English, it is ordained and established, that if any Irish, being principal at peace, by bargain or purchase of merchandise, or in any debtor, not against any other manner, become debtor to English or Irish, being at Irish belongpeace, that for such cause no other Irish person with him, under him, or in subjection to him, or his goods, be seized or attached for such debt, if he be not pledge for the same debt: but that his recovery be against the principal debtor, as the law requires, and be he well advised to give his merchandises to such person as he can have recovery from.

debt against ing to him.

- 12. Item ordeyne est * establie qe en chescu pees de sore enauant entre ñre for le Roy et sez liges Engleis dun pte € les Irrois daultre pte en chescu marche de la terre soit compris le point qensuynt cestascavoir qe nul Irroies pasture ne mayneauyre s' les terres as Engleis ou Irroies esceantz a la pees encountre le gree dez fiors des ditz terres è silz facent, qⁱⁱ list as ditz fiors a mener ove eux en lo^r pounde¹ lez ditz bestes issint² pasturaunce ou manuraunce lo^r ditz terres en nou de destresse pr lor rent et lor damadge issint qe les bestes ne soient deptiez ne desppoillez come auant ses heoures ad este fait mez soient tenuz entiere come illz fuerent pises a deliverer a la ptie en cas qui veigne de faire gree as for dez ditz terres resonablement solonc lor demande et en cas qe ascun depte ou disppoile lez bestes issint² pises soit puny come robeor * debrusor de la peez nre for le Roy, et si ascun Irroies Leue p force a la rescous de ceux resonables pises qe list as ditz Engleis ses mesmes eider a fort mayn saunz estre empeche en la Cort ñre for le Roy p celle cause e qe nul Engleis ne prigne nul distresse sr ascun Irroies de nul pte entre cy et la feste de St. Michell pschin auen^r issint q^e lez Irroies de chescū pte en le mesme temps pront estre ganiz.
- 13. Item ordine est q^e nul Irroies del nacions de Irroies soit admis en nul esglise Cathedrall ne Colligeall p pvission, collation ou psentacion de q^ecuq psone ne a nul finfice de Seint Esglise deinz les Engleiz de la terre et si ascun soit admitz instituit ou enduct en tiel finfice, [soit tenuz p^r nul è eit le Roy a celle voidance de mesme le finfice sa psentacon a q^ecuq pson lauewoson de tiel finfice apptient] sauaunt lo^r droit a p^rsenter ou faire collacion a mesme la finfice quant ele voidra autrefoitz.
- 14. Item accorde⁵ est * establie q^e nul maison de Religion q^eest assiz entre Engleis soit il exempt ou noun desormes resceue nul home Irroies * lo^r pfession mes resceuient gentes Engleis saunz auoir consideracon les queux ilz soient

¹ ou leur prendre in MS. B. Mus.

² qui sont in MS. B. Mus.

² et establie inserted here in MS.B. Mus.

⁴ This sentence not in MS. B. Mus. ⁵ ordone in MS. B. Mus.

Also, it is ordained and established, that in every peace henceforth to be made, between our lord the King and his English Irish not to lieges of the one part, and the Irish of the other part, in every on lands of march of the land, there be comprised the point which follows, English or Irish at peace that is to say, that no Irish pasture or occupy upon the lands belonging to English or Irish being at peace, against the will of the lords of the said lands; and if they so do, that it be lawful for the said lords to lead with them to their pound the Impounding said beasts so feeding or occupying their said lands, by way of beasts. of distress for their rent and their damages; so that the beasts be not divided or separated, as heretofore has been done, but be kept altogether as they were taken, in order to deliver them to the party, in case he come to make satisfaction to the lords of the said lands reasonably, according to their demand; and in case any one divide or separate the beasts so taken, that he be punished as a robber and breaker of the peace of our lord the And if any Irish rise by force to the rescue of those reasonably taken, that it be lawful for the said English to assist themselves by strong hand, without being impeached in the court of our lord the King on this account; and that no English take any distress upon any Irish of any part, between this and the feast of St. Michael next to come; so that the Irish of every part may be warned in the mean time.

Also, it is ordained that no Irish of the nations of the Irish be admitted into any cathedral or collegiate church by provi- No Irishman sion, collation, or presentation of any person whatsoever, or to sented to a any benefice of Holy Church amongst the English of the land; church. and that if any be admitted, instituted, or inducted into such benefice, it be held void, and that the King have his presentation of the said benefice for that vacancy, to what person soever the advowson of such benefice may belong, saving their right to present or make collation to the said benefice, when it shall be vacant another time.

Also, it is agreed and established, that no house of religion, which is situate among the English, be it exempt or not, No religious henceforth receive any Irishmen [to their] profession, but lrish to their receive Englishmen, without taking into consideration that profession.

XII.

neez [en] Engleterre ou en Irland et qe autremt le fra et de ceo soit atteint, soint lez tempaltez seises en la mayn ñre su le Roy a dem er a sa volonte et qe nul plate de seint Eaglise resceiue nul neoyff as ascunz orders saunz assent et testimoignance de son seigno fait a luy South son seale.

- 15. Item qe les minstrels¹ Irroies venantz entre Engleis espient lez priuetz maners * Comyn² des Englises dont graunz males sovent ad este venz, Accorde est * defende qe nulles ministres³ Irroies, cestascavoir Tympanor, fferdanes, skelaghes, Bablers Rymor, clercz⁴ ne nullez autres minstrells Irrois veignent entre les Engleis et qe nul Engleis les resceiue ou don face a eux * qe le face * de ceo soit atteint soit pris et impisoñ sibn lez Irroies ministreles⁵ come les Engleis qe les resceiuement ou donent riens et puis soint reyntes a la volunte de Roy et les instrumentz de lor ministraeltees forfaitz a ñre seignor le Roy.
- 16. Itm accord est et assentu q^e nul eschape desormes soit adiudge dess nulluy p null enquest doffice au^ant ceo q^e la ptie dess q^e eschape deust estre adiuge, soit mesne en responce ou conys mesme le chose en place⁶ de recorde come q^e au^ant cez heures autrem^e ad este vse.
- 17. Item accorde est et assentz qe nul home de qe estate ou condicion qu soit, se forfaiture de vie et de membre teigne kerne hobellours ne hudyues gentz en fre de peez a grever le loiall people de ñre for le Roy mes qi les vuille tener, les teigne en la filche a ses costages ppres sauns rien prendre de nully encontre lor volunte, et si aueigne qe nule home de kerne ou nul altre prigne nul mañe dez vitailles ou aufs biens de nully encontre sa volunte, soit hue e crie leuee se luy et soit pris e maunde a la Gaole sil se vuille rendre e si no mez faire resistence et force issint qe ne voille lattachm suffire soit

¹ ministres in MS. B. Mus. ² finnesses in MS. B. Mus. ³ recte minstrels. ⁴ For clarsaghours. In Patent Roll, 13 Henry VI., art. 86, is a recital that Irish mimi, as clarsaghours, tympanours, crowthores, kerraghers, rymours, skelaghes, bards and others come among the English, contrary to the form of the Statutes of Kilkenny, 40 Edward III. See also Hardiman's Irish Minstrelsy, xviii. (Lond. 1881).

⁶ ministres in MS. B. Mus.

⁸ plaie in the other Lambeth MS.

they be born in England or in Ireland, and that [in the case of any that shall do otherwise, and thereof be attaint, the temporalities be seized into the hand of our lord the King, to No villein to remain at his will. And that no prelate of Holy Church receive be admitted any villein to any orders without the assent and testimony of without his his lord, made to him under his seal.

lord's assent.

Also, whereas the Irish minstrels, coming among the English, spy out the secrets, customs and policies of the English, Irish whereby great evils have often happened, it is agreed and for- not to be bidden that any Irish minstrels, that is to say, tympanours, received pipers, story tellers, babblers, rhymers, harpers, or any other English. Irish minstrels, come amongst the English; and that no English receive them or make gift to them And that he who does so. and thereof be attaint, be taken and imprisoned, as well the Irish minstrels as the English that receive them or give them anything, and that afterwards they be fined at the King's will, and the instruments of their minstrelsy be forfeited to our lord the King.

Also, it is agreed and assented that no escape henceforth be XVL. adjudged against any, by any inquest of office, before the party As to escapes. against whom the escape ought to be adjudged be put to answer or acknowledge the same thing in a place of record, although heretofore it has been otherwise used.

Also, it is agreed and assented that no man, of what estate or condition he be, upon forfeiture of life and of limb, keep kernes, No one to hobelers or idlemen in land of peace, to aggrieve the loyal &c., save at people of our lord the King; but that he who will keep them, his own cost. keep them in the march at his own expense, without taking anything from any person against their will. And if it happen that any man, whether kerne or any other, take any manner of victuals or other goods of any against his will, that hue Hue and cry and cry be raised against him, and he be taken and com-against any mitted to gaol if he will surrender himself, and if not, but victuals make resistance and force, so that he will not suffer the against owner's will. attachment, it be done to him as to an open robber; and

XVII.

faire de luy come de Robeo appt e tiel manere pris soit tenuz pr Robere et en cas qe tiel messessurs dessent lattachement qe nul home lez pra prendre adonque respoigne son seignor ou le menor pr luy e face gree a la ptie qest issint endomadge e sil ne face gree a la ptie, eit le Roy la suit dess luy sibn pr luy mesmes come pr la ptie, Et eux qe ne leuent a celle hue e crie soint tenz et punys come maintenor de selons et si nul home teigne ou mene kernes hobelours ou hudyues gentz autement qe de suis est dit, eit Judgement de vie et de membre e soint ses terres et Tenemente forfaitz.

- 18. Item soit vncore³ fait q^e toutz yceux qⁱ sont ore hudyues gentz * volient prendre terres de Roy veignent a mon f^{or} le Duc lieuten*nt ñre f^{or} le Roy en Ireland Chaunceller ou Theasurer le Roy * p^rignent terres gastes du Roy a fee ou a ferme, si les voillent prendre des alts f^{fors} veignent a eux ou a lo^r seneschall en mesme la manere.
- 19. Item qe nul mchies ne autre teignene plement ne dalliance ove nul Irroies ou Engleis [Rebelle]4 qe sont encontre la peez saunz congie de la Coort ou en psence de viscont ne for le Roy ou des gardins de la pees q puissent voier qe tiel plement ou daliaunce soit pr coe pfit a ne my pr singler et qe le face, eit lemprisonment et soit reint a la volunte le Roy.
- 20. Item ordeigne est et establie qe si ascū de linadge ou de aerdauntz ou de retenantz de ascun chieftayne de linadge Engleis dedins la terre dirland qe le dit cheftayn pru chaster, face ascun trespas ou felonie qe le dit chefteyn apra qu eit ent notiz qu face prendre le dit miffessor e luy maundre a la prochin gaola illonqe a defiler tanq qu soit deliûe p la lei, Et si le dit cheftein ne voile ceo faire qe son corps soit prise pr le dit meffesor e detenutz en pison tanq le corpz la meffessor soit renduz a la Cort ñre fior le Roy destre iustisable come

¹ faicte in MS. B. Mus.

^{*} Idoyues in MS. B. Mus.

on orie in MS. B. Mus.

⁴ Not in MS. B. Mus.

⁵ remis in MS. B. Mus.

⁶ Instead of the word pris, the words delivere par la loy et si les d. chieftain are inserted here in MS. B. Mus.

that such manner of taking [of victuals] be considered a robbery. And in case such malefactors fly from the attachment, so that no man can take them, that then their lord or the leader answer for him, and make satisfaction to the party who has been so damaged. And if he make not satisfaction to the party, that the King have the suit against him, as well for himself as for the party. And that those who do not rise at such hue and cry be held and punished as maintainers of felons; and if any man keep or lead kernes, hobelers, or idlemen, otherwise than is abovesaid, that he have judgment of life and limb, and his lands and tenements be forfeited.

Also, that it be proclaimed that all those who are now XVIII. idlemen and are willing to take lands of the King, come to have lands in my lord the duke, lieutenant of our lord the King in fee or in farm. Ireland, the chancellor or treasurer of the King, and take waste lands of the King in fee or in farm; if they wish to take of other lords, that they come to them, or to their seneschal, in like manner.

Also, that no marchers or others hold parley or intercourse with any Irish or English rebels who are against the peace, with out leave of the Court, or in the presence of the sheriff of our marchers and lord the King, or the wardens of the peace, that they may see the enemy. that such parley or intercourse be for common and not for individual benefit; and that he who does it be imprisoned, and be fined at the King's will.

Also, it is ordained and established, that if any of the XX. lineage, or of the adherents or retainers of any chieftain of Chieftains to English lineage, within the land of Ireland, whom the said own retainers, chieftain can chastise, commit any trespass or felony, the said chieftain, after he have had notice thereof, cause the said malefactor to be taken and committed to the next gaol, there to remain until he be delivered by the law; and if the Penalty. said chieftain will not do so, that his body be taken for the said malefactor, and detained in prison, until the body of the malefactor be given up to the Court of our lord the King, to

de suis est dit et maintenens soit de le dit¹ chiefteyn p^r le contempt reint a la volunte le Roy et face gree a la ptie issint grevee.

- 21. Item accorde est * assentu qun pees * guerre soit p tout la terre issint q° nul Irroies ou Engleis soit de guerre en vn Counte q° les Countees enuyron les facient guerre * greur en lor marches maintenaunt q°nt ilz s'ront garnuz p les gardines de la pees de dite Counte ou p viscont ou la guerre sourdy [et sils ne les font soient tenuz come mainteners de felons et si ceux de la countree ou la guerre sordit]² soeffrent lor marches estre destrutz p les enemyes et ne vuillent leuer de arrestre le malice des enemies ap qua soient resonablement garnz p les garriens² de la pees ou p viscount ou cre leue en paies du dit Counte q° adonques ilz soient tenuz come maintenours des felon.
- 22. Item pr ceo qe diffses gentz fount diffses Roberies et felonies en franchises & se fuent ove lor biens en Guydable issint qe les ministres de franchises ne point illonges faire lo office ne le felouns ne lor biens prendre mes soint illoeq" ove lor biens receptz. Et auxint diffse gentz qe font diffse roberies & felounies en guildable fuent ove lor biens en la franchise issint qe le ministres nre for le Roy ne poent illoequ lor office faire ne les felouns ove lor biens prendre mez sont illoeq ove lor biens recepte accorde est & assentu qe si nulle ministre de la franchise face pursuit s' nul tiel felon en le guildable qe ceux de guildable soient en eide pr tiel manere felon prendre & luy dely verer a dit ministre ensemblement ove lez biens ove luy troves & facent de ceo la livere auxion de corps come de chateux a dit ministre de faire ceo qe a la ley appent et qe ceux de la franchise facent en mesme le manere a viscont ñre for le Roy ou a ses ministres qe font la suyt s' tielz felons qe fount felonies & fuent ove lor biens en franchise & si nul face felonie en un coutee6 & defue en autre countee6 ou en

¹ non moiens soit le dit in MS. B. Mus.

² This passage occurs in MS. B. Mus.

³ Gardiens in MS. B. Mus.

⁴ Rebellions in MS. B. Mus.

auer in MS. B. Mus.

Countree in MS. B. Mus.

be amenable to justice, as is above said; and nevertheless that the said chieftain, for the contempt, be fined at the King's will, and make satisfaction to the party so aggrieved.

Also, it is agreed and assented, that one peace and war be throughout the entire land, so that if any Irish or English be One peace and at war in one county, the counties around them shall make throughout war and harass them in their marches, so soon as they shall be Ireland. warned by the wardens of the peace of the said county, or by the sheriff where the war arises; [and if they do not, they be held as maintainers of felons; and if those of the country where the war arises] suffer their marches to be laid waste by the enemy, and will not rise to check the malice of the enemy, after they be reasonably warned by the wardens of the peace or by the sheriff, or cry raised in the countries of the said county, that then they be held as maintainers of felons.

Also, whereas divers people commit divers robberies and felonies in franchises, and fly with their goods into geldable, so Officers of that the officers of the franchises cannot execute their office franchises may pursue there, or take the felons or their goods, but they are received felons into there with their goods. And in like manner divers people who and sheriffs commit divers robberies and felonies in gelduble, fly with may pursue into frantheir goods into the franchise, so that the officers of our chises. lord the King cannot there execute their office, or take the felons with their goods, but they are received there with their goods; it is agreed and assented that if any officer of the franchise make pursuit after any such felon into geldable, that those of the geldable be in aid to take such manner of felon, and to deliver him to the said officer, together with the goods found with him, and thereupon deliver up, as well the body as the goods to the said officer, to do that which to the law appertains; and that those of the franchise act in like manner towards the sheriff of our lord the King, or his officers who make pursuit after such felons, who commit felonies and fly with their goods into a franchise; and if any commit felony in one county, and fly into another county, or into a

XXI.

geldable land,

franchise * illoeq" demoer q° le viscount de cell countie¹ ou la felonie *i fist eit pouair a mandre p ses peptes as viscountes ou seneschiallx de les pties ou le dit felon demuert auxibn deinz franchise come dehors a prendre le corps² le dit felon et del remaundre * q° les dites viscontes * seneschialx soient obeisance chescun en tiel case a autre mandem'. Et si nul de Guildable ou de franchise leue en eide de tielx metfesours issint q° les ministres ne puissent lor office faire de eux q¹u soint tenz si noters felons come ceux q° font lez roberies * punyz en mesme la forme, et si les ministres au ntditz soient remissez en les executions de mandem suisditz faire * de ceo soint atteintz soint adiuge a la p¹son * reintz a la volunte le Roy * net paz lentencien du Roy ne de Counseil q° p tiel entre en franchise ou mandem a seneschall q° la franchise soit emblemy.

23. Item pr ceo qe diffuse gentes enfessent lor enfantz ou auters estranges de lor terres « donant lor biens « chatelx p fraude e colucion de forbarer e delaier nre for le Roy de sa dette e pties de lor accion et auxint fount mayntez feoffem de lor ditz terres & tentz pr aver diûse vochez & abater breff. Accorde est * assentu qi si ceux alieno" ou feffours prgnent les profitz des ditz terres e tentes apres tielx alienations ou enfeffem" faitz qi ilz nient contristant lez ditz feyntz alienations ou feoffemen faitz sount adiuges Tenantes a brefe prchaser * qua nient ascun vouche de ceux issint enfeoffe * qº ñre seignor le Roy et pties eient execution & recoverir de ceux terres biens et chateux issint alienes auxibn come de terres et chateux le dit alienor propres. Et si aveigne qe si ascu hoe soit en purpose de leuce la guerre encontre le Roy ou de ascu felonie faire p cel cause enfesse ascu home de cez terre pr faire tielx felonies & treasons apres le feoffement qe si apres que soit atteint de les Treasons ou felonies suisditz que les

¹ Countres in MS. B. Mus.

² These words not in MS. B. Mus.

franchise, and there remain, that the sheriff of that county Sheriffs and where the felony was so committed have power by his precepts county to aid. to order the sheriffs or seneschals of the parts where the those of another in said felon remains, as well within franchise as without, to take felonies. the body of the said felon, and to send it back; and that the said sheriffs and seneschals be obedient each in such case to the mandate of the other. And if any of geldable or of franchise rise in aid of such malefactors, so that the officers cannot execute their office on them, that they be held as notorious felons as those who commit the robberies, and be punished in the same manner. And if the officers aforesaid Penalty on be remiss in the execution of the mandates aforesaid and officers. thereof be attaint, that they be adjudged to prison, and fined at the King's will. And it is not the intention of the King, or of the council, that, by such entry into franchise, or mandate to the seneschal, the franchise be injured.

Also, whereas divers people enfeoff their children or others, strangers, of their lands, and give their goods and chattels by Fraudulent feofiments fraud and collusion, in order to bar and delay our lord the void. King of his debt, and parties of their action; and also make many feofiments of their said lands and tenements, in order to have divers vouchers, and abate writs: it is agreed and assented that if such alienors or feoffors take the profits of the said lands and tenements after such alienations or feoffments made, that they, notwithstanding the said feigned alienations' or feofiments made, be adjudged tenants for the purchase of writs, and that they vouch not any of those so enfeoffed; and that our lord the King, and the parties, have execution and recovery of those lands, goods and chattels so aliened, as well as of the proper lands and chattels of the said alienor. And if it happen that if any man be purposed to levy war against the King, or to commit any felony, and for such cause enfeoff any man of his Forfeiture of land, in order to commit such felonies and treasons after the lands conveyed with a feofiment, that if afterwards he be attaint of the treasons or view to war or felonies abovesaid, that the lands aforesaid, into whatever hands felony.

terres suisditz en qⁱ mains q^{ua} devendront soint forfaitz nient contristant la feoffem^t come si le fuissent en sa mayne demessne io^r de la felonie fait. Et eit cest ordenance lieu auxibien a les feoffem^{ta} p celle cause au^ant cez heures faitz come en temps a uender affaire.

24. Item en chescu Countie soient ordynez quatre de melth vauetz du Counte prestre Gardeyns de la peez lez qeux eient plein pouair de asser gentz chiuaux as armes hoblours ₹ gentz a pee chescun solonc la valu ₹ quantite de sez terres biens & chateux issint que soient pstez quele heure qe mestier en s'ra p' arrester la malice des enemyes solonc ceo q'a s'ront assiz p les gardines suisditz. Et qe les ditz Gardeins afres larray² fait en la maner suisdit, facent vieu des ditz gentz de armes hoblours * gentz a pee de moys en moys en certeyn3 lieu de countee⁴ ou ils veont qe meultz soit affaire en eyse du people. Et si les ditz Gardeins trouissent nul rebell qe ne voet a lor maundemte obeyr eiant pouair de les attacher * maunder a pschin gaole illoeg ademer tang la ley de luy Et si les gardeins de la peez soient remissez ou soit fait. negligentz en lor office faire « de ceo soient atteintz qe adonques ilz soient prises e inpison et reintz a la volunte le Et si nul issint eslieu gardein refuse de receyver la comission le Roy soit pise « enpison « ses terres seiss en la mayn ñre seignor le Roy & issint defilgent tanq, le Roy ent eit autrement ordeine et facent lez ditz Gardeyns serementz de loialment vser lor office en la manere suisdit.

25. Item ordine est q° les mareschalz del vn Bank * del aule * dedins fraunchises ne prenent desormes pr lor fee pluis que prenent en Engleterre cestascavoir Cink deniers soulement come tesmoigne est a conseil que fount en Engleterre solonc lestatut en Engleterre de ceo ent prueu et ceo apres q° home soit acque ou convinct * finalment deliverez hors du coort * nemy auant. Et silz facent alencontre * de ceo soient

¹ Countree in MS. B. Mus.

² leur arrive in MS. B. Mus.

³ chacun in MS. B. Mus.

⁴ la countree in MS. B Mus. 6 en Counte inserted here in MS.

B. Mus.

they shall come, be forfeited, notwithstanding the feoffment, as if they were in his hand the same day of the felony committed. And that this ordinance have place, as well in the case of feoffments on this account heretofore made, as hereafter to be made.

Also, in every county that there be ordained four of the most substantial of the county, to be wardens of the peace, who Wardens of the peace in shall have full power to assess horsemen-at-arms, hobelers and each county. footmen, each according to the value and quantity of his lands, goods and chattels, so that they be ready, whensoever there Their duties. shall be need, to arrest the malice of the enemy, according to what they shall be assessed by the wardens aforesaid. that the said wardens, after array made in manner aforesaid, make view of the said men-at arms, hobelers, and footmen, from month to month, in a certain place of the county where they shall see that it be best to be done, in ease of the people. And if the said wardens find any rebel who will not obey their mandates, that they have power to attach and commit them to the next gaol, there to remain until the law be made-And if the wardens of the peace be remiss or negligent in executing their office, and thereof be attaint, that then they be taken and imprisoned, and fined at the King's will. And if any one so chosen a warden refuse to receive the King's commission, that he be taken and imprisoned, and his lands seized into the hand of our lord the King, and so remain until the King have otherwise ordained therein, and that the said wardens make oaths to use their office lawfully in the manner abovesaid.

Also, it is ordained that the marshals of the one bench, and of the other, and within franchises, do not henceforth take for Fee of their fee more than they take in England: that is to say, five the Benches. pence only, as it has been proved to the Council that they do in England, according to the statute in England in this behalf provided; and this after a man be acquitted or convicted, and finally delivered out of the court, and not before. they do to the contrary, and thereof be attaint, that their

XXIV.

XXV.

atteintz soient lor bailles seisez en la mayn le Roy p pleint de celuy que encountre cest accorde greuce & outra ceo facent gree a ceux qi sount issint p eux endamadge & detenutz en pison tanq lor gree soit fait. Et qe le mareschall de lescheque ne prgne q di file chescun terme quent home defila en sa garde pr arreradges dacompte ou pr la dette le Roy. Et qi face a lencountre & de ceo soit atteint eit la penaunce come desuis est dit. Et qe nul constable des chastelx dedinz franchise ne dehors ne p'gne de nul pisoner mys en sa garde p' son fee fors solem' cinc deniers forspris le constable du Chastell de Dyvelyn qe est le chief Chastell le Roy en Ireland pr ceo qe tesmoigne est au Counseill qu doit plus prendre e de auncient temps ad fait & qe autremt face & de ceo soit atteint soit la Constablerie seisez en la mayn le Roy € celuy qe ensy affa fait, soit pris & inpison tanqu face gree a la ptie & fyn au Roy et qe les mareschalles ne constables auantditz dedeins franchises ne dehors ne mettent les pisoners quis ont en lor garde a destresse e duretz de penaunce pr singler pfit ou suet auoir e si lo facent, soint pris et detenus en pison tanqe ilz eient renduz le double a celluy de qi ilz ont receuz tielx torceious pfit et ne pr quant facent fyn au Roy et sr ceo soient brefe maundes a chescun place de la fre ou mareschall ou constable cest sibn dedeins fraunchise come dehors comaundantz et Juface 1 de chescu place & auxint a Tresurer & Barons del escheq^{er} q^{is} facent charger les mareschall de lo^r ditz places que ne prignent de nully autrement desuis est dit et enqirer de tempus en tempus de ceux qi fount a lencountre a les punyr en la forme suisdit.

26. Item ordeine est et establie q° si home face felonie et soit fuytif ou atteint p outlarie ou en autre manere p qoi ses biens et chateux soient forfaitz au roy q° lez viscountz de mesme le counte² ou les ditz felounes sont, facent seisir les

^{&#}x27; au Justice in MS. B. Mus.

² countree in MS. B. Mus.

bailiwicks be seized into the King's hand, at the complaint of him who is aggrieved contrary to this agreement; and moreover that they make satisfaction to those who are so damaged by them, and be detained in prison until their satisfaction be And that the marshal of the Exchequer take only Marshal of the half a mark every term, when a man shall remain in his custody for arrears of account, or for the King's debt. that he who does to the contrary, and be thereof attaint, suffer the penalty as is abovesaid. And that no constable of castles, Constable of within franchise or without, take of any prisoner put into his a castle. custody, for his fee, but only five pence, except the constable of Constable of the Castle of Dublin, which is the King's chief castle in Ireland, Castle. by reason that it has been proved to the Council that he ought to take more, and from ancient time has done so. And he who does otherwise and thereof be attaint, that the constableship be seized into the hand of the King, and that he who shall have done so be taken and imprisoned until he make satisfaction to the party, and fine to the King. And that the marshals or constables aforesaid, within franchises or without, put not the prisoners whom they have in their custody to distress and duresse of punishment, for the purpose of obtaining their own profit or suit; and if they do so, that they be taken and detained in prison until they have rendered double to him from whom they have received such wrongful profit, and moreover make fine to the King. And that hereupon writs be sent to every place of the land where there is a marshal or constable, as well within franchise as without, commanding the justice of each place, and also the treasurer and barons of the Exchequer, to cause charge to be given to the marshal of their said places, that they take not of any person otherwise than as aforesaid; and to inquire from time to time of those who do the contrary, and to punish them in the form abovesaid.

Also, it is ordained and established that if any man commit felony, and be fugitive or attaint by outlawry, or in any other Sheriffs to way, whereby his goods and chattels are forfeited to the King, forfeited by that the sheriffs of the same county where the said felons are, attainder, &c.

XXVI.

ditz biens et chateux en la mayn le roy en qⁱ mains ilz apⁿ detenent & respondint de ceo a ñre f^{or} le roy de s^r lo^r accompt sils mettent tielx biens et chateux en ascun garde les mettent en tiel garde p^r queux ilz vallent respondere & q^e les villes ne soient ent chargez come ilz soleient au^ant ces heures.

27. Item¹ q° si trewe ou peez soit pris p le Justice ou gardeynes de la pees ou viscountz entre lez Engleys * Irroies * si ele soit debruse p ascun Engleis * de ceo soit atteint soit pris et mis en pison tanq° gree soit fait p luy *² ceux qi sont desrobes * endamages p celly encheson et oul ceo soit reint a la volunte ley roy * sil neit done faire restitucion a ceux q° sont issint endamages eit ppetuell pison et tielx gardeynes * viscountz eiant pouair denq°rer de tielx q° issint enfreignent la pees.

28. Item ordeine est q° si debate soit meu pentre Engleis et Engleis p q° les Engleis dun pte * dautre coillent a eux Engleis et Irroies en pais illoq° a demer p¹ guerrer * greu¹ au¹s a graund damage * destruction de lieg people le roy, Accorde est et assentz q° nul Engleis soit si hardie de mouer guerre antre au¹s de amener nul Engleys ne Irroies desorment p celle encheson * q¹ le face * de ceo soit atteint, eit Jugement de vie et de membre * lo² terres forfaitz.

29. Item accorde q° nul home de q° estate ou condicon q¹¹ soit face n¹ manere de arrestee ne³ desturbance a nu¹ des ministres ñre for le roy p q° il ne poit son office faire * q¹ le face * de ceo soit atteint soit pris et enp¹son * reint⁴ a la volunte le roy.

30. Item ordeine est q^e nulles Engleis cões meffesours ne cões robiours ne abareto^{re} soient mayntenuz p nul de la Court le Roy ne p les graundes ne petitz de la terre s^r la pile

ordonne inserted here in MS. B. Mus.

a in MS. B. Mus.

³ These words not in MS. B. Mus.

^{*} remittee in MS. B. Mus.

cause the said goods and chattels to be seized into the King's hand, in whatever hands they may afterwards be detained, and answer thereof to our lord the King on their account; and if they put such goods and chattels into any custody, they put them into such custody as they can answer for, and that the vills be not thereof charged as they were wont heretofore.

Also, that if truce or peace be made by the justiciar, or wardens of the peace, or sheriffs, between English and Irish, and it be English truce broken by any Englishman, and he be thereof attainted, that he imprisoned. be taken and put in prison until satisfaction be made by him to those who are robbed and injured on that account, and further that he be fined at the King's will; and if he have not wherewith to make restitution to those who are so injured, that he have perpetual imprisonment. And that such wardens and sheriffs have power to inquire concerning those who so break the peace.

breakers to be

Also, it is ordained that if dispute arise between English and English, whereby the English on one side and on the English not to other gather to themselves English and Irish in the country, there to remain to make war upon and aggrieve the other, to the great damage and destruction of the King's liege people; it is agreed and assented that no English be so daring as to stir up war with each other, to draw away henceforward any English or Irish for such purpose, and he that does it, and thereof be attaint, have judgment of life and limb, and his lands forfeited.

XXVIII. stir up war.

Also, it is agreed that no man, of what state or condition he be, make any manner of arrest or disturbance against any of The King's to execute his office; and he who so does, and thereof be attaint, be taken and imprisoned, and fined at the King's pleasure.

officers not to the officers of our lord the King, whereby he may be unable be hindered.

Also, it is ordained that no English common malefactors or common robbers or barrators, be maintained by any of the barrators King's court, or by the great or small of the land, upon the not to be maintained.

Malefactors or

XXIX.

q^appent cestascavoir sil soit seigno^r del franchise pde sa franchise è si autre pson soit pris è reint a la volunte le Roy.

31. Item ordeine est q° les cheife s'iantes de fees et lor atturnées facent duhe execution de mandemente le Roy è des viscountz come ilz dessoent faire, et silz ne facent e de ceo soient attaintz soient lor ballies seises en la maine le Roy è lor corps a la pison è q' desormes ne lassent lor baillies a pluis haut ferme q° en ancient estoit solome ceo q° p le statut s ceo fait en Engleterre est ordeine.

q⁴ vič bis tenent turn' suü p annü nō habeat vltra.

32. Item qe come somons del Eschequer nre for le Roy Dirland vienentz a diûs viscountz et seneschalles de le franchise pr les dettes nre for le Roy leuer de diûses gentz en lor bailliees lez queux viscountz & Seneschalx ensemblem oue les s'iante de countees et franchises si fount leuer diffses somes dez ditz dette de diûse gente de countees franchises & les ne acquitent my s' lo' accompte al Eschequer mes si exscusent p les s'iante de fee et lor lieutenantz p qe la paie des dettes are for le Roy si est targe delay et le people grauntem endamadge de ceo que ne soint my acqiter de les deniers que out pais; Accorde est et assentz qe quant les viscountz et les Seneschalx de Loueth, Mid, Trym, Dyvelin, Kildare, Cathirlagh, Kilkeny, Weys, Waterford et Tipperar vienent pr lor accomptz rendre devant Treasorer ou Barons des issues de lor Bailles qe les sriantz de fee qe sount presentz e les Deputies de eux qe sont hors de terre soint distreintz de venir en lescheque e illoeque demer ove lez ditz viscountz & Seneschalx tang ces ditz viscountz & Seneschallx eient pleinement accompte. issint soit qe les ditz viscountz ou Seneschallx pront charger les ditz s'iante ou lor deputies q'e oût receuz deniers le Roy de nully nient fesant la paie as ditz viscounte & Seneschallx & sr ceo soient atteintz demorgent lor corps en garde du marchall

¹ reloiue temps estoient in MS, B, Mus.

penalty thereto attaching, that is to say, that if he be a lord of a franchise, he lose his franchise, and if any other person, that he be taken and fined at the King's pleasure.

Also, it is ordained that the chief serjeants of fees, and their attorneys, make due execution of the mandates of the King, Serjeants of and of the sheriffs, as they ought to do; and if they do not due execution. so, and thereof be attaint, that their bailiwicks be seized into the King's hand, and their bodies be sent to prison; and that henceforth they lease not their bailiwicks at a higher farm than was anciently done, according to what by the statute thereupon made in England is ordained.

Also, whereas summons of the Exchequer of our lord the King, of Ireland, comes to divers sheriffs and seneschals of As to taking franchise, to levy the debts of our lord the King, of divers accounts, persons in their bailiwicks; which sheriffs and seneschals, counties. together with the serjeants of counties and franchises, do accordingly levy divers sums of the said debts, of divers persons of counties and franchises, and do not discharge them upon their accounts at the Exchequer, but excuse themselves by the serieants of fee and their deputies, whereby the payment of the debts of our lord the King is so retarded and delayed, and the people greatly injured in this respect, that they are not discharged of the money that they have paid: it is agreed and assented, that when the sheriffs and seneschals of Louth, Meath, Trim, Dublin, Kildare, Carlow, Kilkenny, Wexford, Waterford, and Tipperary, come to render their accounts of the issues of their bailiwicks, before the treasurer or barons, that the serjeants of fee who are present, and the deputies of those who are out of the land, be distrained to come into the Exchequer, and there remain with the said sheriffs and seneschals, until the said sheriffs and seneschals have fully accounted. And if it be so that the said sheriffs or seneschals can charge the said serjeants or their deputies, that they have received the King's money of any one, not making payment to the said sheriffs and seneschals, and they thereupon be attainted, that their

tanq gree soit fait a nre seignor le Roy de ses deniers en descharge des dettours nre for le Roy ou des ditz viscounte ou Seneschallx silz eient de que et si ne yel demorgent en pison tanqe ilz soient delifiez p le counseil e ne p qent soient les viscountz & Seneschallx ent charges sr lor accompte come deuant. Et q° toutz le dettes leuez p les s'iante soient paies a viscountz p endenture entre eux faitz issint qe quant les ditz srieante vienent s' laccompte de viscont en lescheder que puissent monstrer lo' indenture² & tesmoigner des qeux ilz ount receuz leez deniers le Roy & des qeux nemy. Et pr ceo qe les . countees de Conaght, Kery, Corcke & Lymerick sount si loyne de la Court qe les s'ieante de mesmes les countees ne poent bonement venir a le dit Escheqer destre s' laccompt des visconte * Seneschallx de mesmes les Countees come auters s'ieante fount. Accorde est et assentuz p 3 les s'ieante des ditz countees ou lo' Deputies quant vn des barons oue Clerck Assignes p Treasorer & Baron vient p comission del Eschequer es pties suisdite p' la veretyre examiner e la dette nre for le Roy leuer qo adongo demorgent ou le dit Baron ou Clerck tant come les ditz viscoutz & Seneschallx demorgent. Et si issint soit que ont enz receuz de nully nient fesant la paie as ditz viscountz ou Seneschallx en la manere suisdce qe adonq soient arrestuz et eient la penaunce susdit. Item pr ceo qe les fees de viscountz si sount ordines p estatute & les viscounte en la terre Dirland preignent en lor turnes de chescun Baronie en lo Ballie yn marc per an & de chescun ville marche a le foitz xxs. xs.5 % di marce a tresgraunde oppression de people. Accorde est e assentu qe les viscountz suisditz teignent lo turnes deux foitz p an cestascavoir apres la fest seint Michell et apres la pasq, et que ne Bignent si non xl d. de chescu Baronie a chescu turne coment diffse villes marches ou Burghes soint dedeins

4 recte verte cyre.

nemy in MS. B. Mus.
ordonnaunce in MS. B. Mus.

a que in MS. B. Mus.

 $^{^{5}}x^{4}$ in MS. B. Mus.

The words & di marc are omitted in it.

bodies remain in custody of the marshal, until satisfaction be made to our lord the King, of his moneys, in discharge of the debtors of our lord the King, or of the said sheriffs or seneschals, if they have wherewithal, and if not, that they remain in prison until they be delivered by the Council, and nevertheless that the sheriffs and seneschals be thereof charged upon their account as before. And that all the debts levied by the serjeants be paid to the sheriffs by indenture made between them, so that when the said serjeants come on the account of the sheriff in the Exchequer, they may show their indenture, and prove from whom they have received the King's money, and from whom not. And whereas the counties of Connaught, Same. Kerry, Cork, and Limerick, are so far from the Court, that and Munster. the serjeants of the said counties cannot conveniently come to the said Exchequer, to be present on the accounts of the sheriffs and seneschals of the said counties, as other serjeants do; it is agreed and assented that when one of the barons, or a clerk assigned by the treasurer and baron, come by commission of the Exchequer to the parts aforesaid, to examine the green wax and to levy the debt of our lord the King, the serjeants of the said counties or their deputies then remain with the said baron or clerk, as long as the said sheriffs and seneschals remain. And if it happen that they have received any part thereof from any person, without making payment to the said sheriffs or soneschals, in the manner aforesaid, that then they be arrested, and suffer the penalty aforesaid.

Also, whereas the fees of sheriffs are ordained by statute, and the sheriffs in the land of Ireland take in their turns of That the every barony in their bailiwick, one mark yearly, and of their turns every market town some times twenty shillings, ten shillings, twice in the and half a mark, to the very great oppression of the people; it is agreed and assented that the aforesaid sheriffs hold their turns twice in the year, that is to say, after the feast of Saint Michael and after Easter; and that they take only forty pence Their fees. of every barony at each turn, although there be divers market

towns or burghs within the same barony.

And whether

Et si issint soit qui soit prie 1 p ie Roy2 mesme le Barronie. de Baronie sil ne soit requise ou prie a manger ne Bigne riens, [* q° nul clerk de viscountz p cause de tiel Turne ne βigne Et auxint qe desore en auent nul denier soit leue de nul carve de terre ne autre manere p cause de celle office faire si no le di marc p an come desuis est dit. Et si nul face encontre le ordinance suisditz * de ceo soit atteint soit commaunde a la pison e outre ceo rendre a ceux quux il soit pris riens p celle cause encountre la dit ordinaunce la doble silz ce veullent pleindre * puis soit reint a la volunte le Roy et qe nulles viscountz de franchises qi de reson deuent cteins fees des fon de mesme la franchise pr lor office faire ne Bignent riens pr lor Turnes de gentz de lor Bailles mes se teignent paiez de ceo que pnent des ditz seigne de franchises e silz facent et de ceo soient atteintz, eient mesme la penaunce.

pro labor' İmveniend

Item proceo qe les cões de la terre se pleinent diffsement estre greuez p defaut des servantes dont les Justice assignes de laborers moltz en cause de ceo qe les cões ses sount de graunt ptie absentes & fuent hors de la dit terre. Accordé est & assentu qo p cause de viuere & vitailles sont pluis encheriz que ne solient que resonablement chescun laborer en son degre solone discrencion de deux melth vadeux⁵ * pluis sages de la6 Citee ville Burgh ville village ou hamlet hamlet? en pais la ou il ferra son labor Bigne son leuer en grosse ou p iourne * si ne vuiller le faire ne obeir soient pris p le Maier Seneschallx Suffrain Provost ou Bailly des Cities & villes ou ilz sount ou p le viscout de Countie & mis en pison tanq a la venue de Justices Assignes q° vendrent deux foitz p an en chescun countie le Justice de la chief place qe de ceo ferront duhe punissemt & droit a les pties qo ent se sentront greuez qo

¹ recte pue. See Ordinances of 1351, article 24 (p. 395).

Sr in MS. B. Mus.

^{*} This sentence is not in MS. B. Mus. 4 labourers inserted here in MS. B. Mus.

Valereux in MS. B. Mus.

s terre inserted here in M.S. B. Mus.

⁷ Word repeated in original.

it be so that he is supplied with food by the lord of the barony, or he be not requested or invited to eat, that he take nothing; and that no clerk of the sheriffs, on account of such turn, take anything. And also that from henceforth no money be levied of any carucate of land, or in any other manner, on account of executing this office, except half a mark yearly, as And if any person act contrary to the ordinance aforesaid, and thereof be attaint, that he be committed to prison, and moreover, render to those from whom he have taken anything on this account, contrary to the said ordinance, the double, if they will complain, and afterwards be fined at the King's will. And that no sheriffs of franchises, who of right ought to have certain fees from lords of the said franchise for executing their office, take anything for their turns from the people of their bailiwicks, but consider themselves paid by what they may receive from the said lords of franchises; and if they do so, and thereof be attaint, that they have the same penalty.

Also, whereas the commons of the land complain that they are in divers ways distressed by want of servants, for which As to mainthe assigned justices of labourers are much the cause, by reason labourers. that the common labourers are for a great part absent, and fly out of the said land; it is agreed and assented, that, because living and victuals are much dearer than they were wont to be, each labourer reasonably, in his degree, according to the discretion of two of the most substantial and discreet men of the city, town, burgh, vill, village, or hamlet, in the country where he shall perform his labour, receive his maintenance in gross or by the day; and if they will not do so, nor be Punishment obedient, that they be taken by the mayor, seneschals, sovereign, labourers. provest or bailiff of the cities and towns where they are, or by the sheriff of the county, and put in prison, until the coming of the justices assigned, who shall come twice in the year into each county, [or]the justice of the Chief Place, who shall award due punishment for the same, and do right to the parties who

í

nul laborer passe outre mier * en case qe face * reueigne soit pris & en pison p vn an & puis reint a la volunte le Roy et outre ceo soit brefe mandz as viscountz Maires Seneschallx Suffrains et Bailles des Countees Cities et villes p tout la terre ou port de mier et commandant a eux que ne seeffrent n' tiel passage de laborers. Et auxint accord est qe les Comissioners faitz a Justice de laborers en chescu Counteel soient repellez et qe desormes ne soient tielx.2

qd inquirat de istia articulis pius fractis et per Comiss R. ac eas audiend. et

terminand.

Item accorde et establie que en maintenance de execution des estatz devant ditz qe deux pdeshomes aprise de la ley associez * a eux deux de moet vaduez du Counce p le Counsell le Roy soient assignes p comission denquerer deux foitz p an en chescun Countee ses8 qe enfreignent les articles auentditz e de oier et terminer les qe ent srrant enditz deuent eux ou a suyte de ptie * des diffses auters articles queux s'ront contenuz en la dit comission solont en le peynes les ditz estatz contenuz saunz favor faire a ascu pson & de certifier en la Chauncelery de tempe en tempus ceo qe p eux ent sra fait.

Item nre for le Duc de Clarence lieutenant nre dit for le Roy en Ireland et le Counseil nre dit fior le Roy illoeques Countees Barrouns & Cões de la terre suisdite a ceste present pliament assemblez ount requise les Ercevesque et Evesques Abbas Priours et auters gentes de Religion que facent excoingement et exconger les psons countreuenantz les estatutz e ordinaunces auantditz et auters censures de seint esglise ou eux fulmyner si ascunz p Rebellitee de cuer veigne encountre les estatutz et ordinaunce suisdite. Et nous Thomas Ercevesq de Duuelin, Thomas Ercevesq de Cassell, John Erceuesq de Thueme, Thomas Evesq de Lismore et Waterford, Thomas

¹ countree in MS. B. Mus.

² comission grauntees added in MS. B. Mus. ² ceux in MS. B. Mus.

^{*} poinct? contenuz au dit statut in MS. B. Mus.

en in MS. B. Mus.

shall feel themselves aggrieved thereby. And that no labourer Labourers not pass beyond sea; and in case that he do so and return, that he to pass beyond be taken and put in prison for a year, and afterwards be fined at the King's will. And moreover, that writs be sent to the sheriffs, mayors, seneschals, sovereigns, and bailiffs of counties, cities, and towns throughout the land where is a seaport, commanding them that they do not suffer any such passage of labourers. And it is also agreed that the commissions made to Commissions justices of labourers in every county be repealed, and that to Justices of henceforth none such be granted.

labourers repealed.

Also, it is agreed and established, that in maintenance of the execution of the statutes aforesaid, two prudent men, learned That enquiry in the law, having associated with them by the King's council be made of those articles two of the most substantial men of the county, be assigned by heretofore commission to inquire twice a year in every county respecting by commission those who break the articles aforesaid, and to hear and deter- of the King mine such cases thereunder as shall come before them by determine indictment, or at the suit of the party, and of the different other articles which shall be contained in the said commission. according to the penalties thereof in the said statutes contained, without doing favour to anyone, and to certify into the Chancery from time to time that which shall have been done by them therein.

XXXV. broken, and

Also, our lord the duke of Clarence, lieutenant of our said lord the King, in Ireland, and the Council of our said lord the Excommuni-King there, the earls, barons, and commons of the land afore cation of persons consaid, at this present Parliament assembled, have requested the travening archbishops and bishops, abbots, priors and other persons of religion, that they cause to be excommunicated, and do excommunicate the persons contravening the statutes and ordinances aforesaid, and to fulminate other censures of Holy Church against them, if any, by rebellion of heart, act contrary to the statutes and ordinances aforementioned. we. Thomas, archbishop of Dublin; Thomas, archbishop of Cashel : John, archbishop of Tuam ; Thomas, bishop of Lismore

these statutes.

Evesq de killalo, William Evesq de Ossorie, John Evesq de Leighlin, et John Evesq de Clon esteantz presentz en le dit pliament a la req^est ñre dit tresdouce f^{or} le Duc de Clarence lieuten^ant ñre f^{or} le Roy en Ireland et les f^{ters} et cões au^antditz en le countreueñncz les estatuz or¹ ordenaunce suisdões lor temps transpassis precedauntz sentens de excomgement fulminons et excommengemus p cest present escript res^rvauntz et chescun de nous res^rvant la absolucion de nous mesmes et de nous subgitz sil ne soit en pill de morte.

Explicant Statuta Kilkenise.

a in the other MSS.

and Waterford; Thomas, bishop of Killaloe; William, bishop of Ossory; John, bishop of Leighlin; and John, bishop of Cloyne, being present in the said parliament, at the request of our said most gracious lord the Duke of Clarence, lieutenant of our lord the King, in Ireland, and the lords and commons aforesaid, passing over the time preceding, do fulminate sentence of excommunication against those contravening the statutes or ordinances aforesaid, and do excommunicate them by this present writing, reserving, and each of us reserving, the absolution of ourselves and of our subjects, if they be in peril of death.

Here end the Statutes of Kilkenny.

42 EDWARD III. A.D. 1368.

OF AN ORDINANCE MADE CONCERNING THE LAND OF IRELAND.1

Grievous state of Ireland.

Lately by the grievous and frequent complaint of our faithful subjects, prelates, earls, barons, and other magnates and the commons of our land and lordship of Ireland, it was shown to us and to our great council how the Irish and others, our enemies there, rode in hostile array through every part of the said land, committing homicides, robberies [and] arsons, pillaging, spoiling, and destroying monasteries, churches, castles, towns. and fortresses, without showing reverence or respect to God, or to Holy Church, or to any person, to the great shame and disherison of the king and of his loyal subjects, so that the land was at point to be lost.

if remedy and help were not immediately supplied.

Whereupon our ford the king, desiring very earnestly, by the aid of our Lord, to bring the matter to a good and speedy relief, and thinking that

by his faithful subjects of Ireland, who suffer and have suffered such injuries and mischiefs and who live continually therein, he could be the better advised, and good counsel and ordinance be given in this case.

Parliament summoned to provide remedy.

by his special mandate made under his great seal and passed by the advice of his great council, by sufficient notice and summons beforehand, caused to be set and established in his said lordship a general parliament of the prelates, earls, barons, and other lords, wise men and commons, his liege and faithful subjects there, to advise and counsel him upon the said matter, which so highly touched his estate and that of his crown; the which subject having been well and long Held at Dublin. debated between them in the said parliament held at the city of Dublin on the Monday next before the feast of the Invention of the Holy

Cross² last past, at length it appeared and seemed to them in particular and in general, that the said mischiefs could not in any wise be redressed and amended, nor the said land succoured, except by the coming and continuous residence of the earls, nobles, and others of his realm of England, who have inheritance in the said land of Ireland, in their own persons or by their strong men, sufficient and well equipped for war, to reside in person or upon their lordships, lands, possessions, and inheritances within the supply men at said lordship of Ireland, for recovering their inheritances there lost opposing the said mischiefs, [and for] the preservation of the estate

of our lord the king, and of the rights of his crown, and the aid of the

landowners to reside in

lands aforesaid.

Necessity for

And that they and each of them might and ought to be driven and compelled to do this quickly and within short space, considering that upon the first conquest of the said land of Ireland, made by his good ancestors, then kings of England, many honours, lands, possessions, and inheritances, being within the said lordship of Ireland, were given and granted in inheritance by his said ancestors to many noble persons and others of his realm of England, in order that they should continually reside and dwell in their own persons with their families upon the said conquest, to defend and maintain it for ever thereafter against all men who should attempt to rise or to rebel against the said conquest, on his fealty and allegiance. And that his said subjects of England having inheritances in such manner in his said lordship of Ireland. have, since obtaining their inheritance, for the most part dwelt in England and elsewhere, and drawn and levied the fruits and revenues

Landowners drawing revenues generally o heentees

¹ The text, taken from Close Roll (Engl.) 42 Edward III., m. 4d., is printed in Rymer's Fixelera, Vol. III., part 2, p. 854. See also Betham's Early Parliaments of Ireland, p. 302.

This feast was celebrated on 3rd May.

of their said inheritances without defending them, and without doing their duty in this case, whereby all the said evils and mischiefs without

any opposition have occurred.

And upon these points they agreed finally. The which advice and agreement was fully reported and notified to the King and to his council by the prelates and other magnates of the said parliament, under their

And afterwards postponing the matters under consideration, our said lord the King was again fully assured by his said magnates and subjects of Ireland, that the said evils and mischiefs were renewed, multiplied and greatly increased, so much so that his said lordship of Ireland was for the most part destroyed and lost, as they caused him to know by their letters, requiring aid and help in the way which was agreed

upon, assented and required by their said parliament.

Our said lord the King, having had long and mature consultation and advice upon all the said matters and the circumstances thereof, for the said and other reasonable causes which moved him hereto, and especially for the preservation, recovery, and defence of his lordship aforesaid, by the advice and express consent of the peers, prelates, dukes, earls, barons, nobles, magnates, and wise men of his council, for this purpose in his presence assembled, of his certain knowledge and royal authority, accepting and adopting the advice and assent of the parliament aforesaid, seeing clearly the need and want to be so very great that otherwise his said land and lordship would be utterly destroyed and lost;

Has declared, willed, and ordained that all those of the realm of Enactments. England, be they prelates, dukes, earls, barons, or others of whatsoever estate, degree, or condition, who have or claim to have any lordships, lands, or possessions or other inheritances whatsoever within his said lordship of Ireland, go thither, and each of them Those in henceforth reside continuously upon their lordships, lands, posses- England hav-sions, and inheritances aforesaid; and that they go thither, each of them include to in his own person, with their families and men at arms and others, reside on them. according to the proportion and quantity of the inheritances which they have and claim to have there, all excuses, delays, or essoins ceasing.

And if for great and urgent necessity or other reasonable cause what If unable, to seever, they cannot in any way go and dwell there in their own persons, supply men at the which cause shall be shown to, discussed and approved by the arms there for defence, King and his council, then each of them shall send men at arms and others, sufficient and well equipped, to remain and dwell on their said inheritances in Ireland, at their own costs and expense, for the defence, government, and conquest of the lands, lordships, and inheritances aforesaid, as if they and each of them were there in their own persons,

ceasing all impediment.

And if such sufficient impediment thereto be approved, as is aforesaid, that they send thither men at arms and others in a sufficient number, and according to the proportion and quantity of their inheri- before next tances in Ireland, as is aforesaid, before the feast of Easter next ensuing. And if they are not there in their own persons with their families and men at arms and others, or send not thither at the time and in the manner which is aforesaid, then immediately all the lords and others of England, of whatever estate, degree, or condition they be, shall be deprived of their lands, lordships, possessions, and inheritances, situated On default, to within his said lordship of Ireland; and they shall be applied to his [the be deprived of King's] own [use], to ordain and dispose of them at his free will, and as it the lands, &c. shall seem good to him for the preservation, defence, and support of his lordship aforesaid. Any challenge or contradiction whatsoever in any case whatsoever for the time to come notwithstanding.

By the King himself and council.

1 RICHARD II. A.D. 1377.

[CLOSE ROLL, 1 RICHARD II., ARTICLE 82.]

EMORAND qd cum Justic Cancellar Thes e alii de consilio dni Regis in Hibn ac Blati magnates peeres * cões Pre Regis Hibñ in pliamento dõi đni Regis apud Tristeldermot die Lune px post fm Ciffum Anno Bsenti sumonito ? tento comparentes, in eodem pliamento inf cefa ad invicem tactantes a consulentes qualif Murgh Obryen qui cum magna potencia Hibnicos poiū Momon in ptib3 Lagen iam existit e fideles dni Regis dcaz pciū Lagen in adiutoriū Hibnicoz dci dni Regis eazdem pciù Lagen guerrare e dcas ptes Lagen iuxta vires suas quod absit destruere pponit e deuastare, ab eisdem ptib; Lagen cum potencia sua pdca melius e cicius retahi possit. Ita qd dampnū aliquod dčis ptib; Lagen nec fidelib; đni Regis ibm decelo minime ppetaret; de eos auisamento ibidem adûtenciū dampna * destruccoes que dcus Murgh cum des potencia sua in dčis ptib; Lagen absq. resistencia aliqua lenif facet si morā ultiorē ibidē theret Concordatū est & ordinatū qd idem Murgh heat centu marcas sub tali condicoe vidett qd ipe cu potencia sua pdca a dcis ptib; Lagen ad ptes suas pprias abso, dampno aliquo dčis ptib; Lagen aut fidelib; Regis ibidem nunc nec vnqam impostum p se nec suos faciend se retalist indilate ad quod faciend idem Murgh coram Bdcis Justic Cancellar Thes & consilio tactis sacroscis ewangeliis sacrin Pstitit corpale sup quo clerus magnates e cões Com Dublin Kildar Kilkenn * Weys dcas Centum marcas noue marcis exceptis ad opus ipius Murgh ex causis pocis solue * de eisdem

1 RICHARD II. A.D. 1377.

E it remembered that whereas the Justiciar, chancellor, treasurer and others of the council of the lord the King in Ireland, and the prelates, magnates, nobles and commons of the King's land of Ireland, in a parliament of the said lord the King at Tristeldermot on Monday next after Ash Wednesday in the present year, summoned and held, appearing, in the said parliament among other things in due course treating and consulting how Murgh Obryen, who with a great force of Irish of the parts of Munster is now in the parts of Leinster, and meditates making war on the lieges of the lord the King in the parts of Leinster, in aid of the Irish of the said lord the King, of the said parts of Leinster, and destroying and devastating the said parts of Leinster to the best of his power (the which be averted!), might best and most speedily be put back, with his said force, from the said parts of Leinster; so that henceforth as little injury as possible might be inflicted on the said parts of Leinster and on the lieges of the lord the King there. With the advice of those there, considering the losses and destructions which the said Murgh with his said force could easily inflict on the said parts of Leinster, without any resistance, should he stay there longer, it is agreed and ordained that the said Murgh have one hundred marks on this MurghObryen condition—namely, that he withdraw without delay with his subsidised, on said force from the said parts of Leinster to his own parts, withdrawing without any injury to the said parts of Leinster or the lieges of the King there, now or ever hereafter by himself or his [followers] to be inflicted; for doing which, the said Murgh before the said Justiciar, chancellor, treasurer and council, took his corporal oath on the Holy Gospels; whereupon the clergy, magnates and communities of the counties of Dublin, Kildare, Kilkenny and Wexford freely granted the said one hundred marks (save nine marks) to be paid to the use of the said Murgh for the reasons aforesaid, and of the said clergy

from Leinster.

clero & cõib3 leuari gatant concesserunt vidett de clero Dublin dioc xii marc de clero Darens dioc vi marc De clero Ossoi dioc Ciii solid iiiid De clero ffernen dioc vi marc Com Dublin x marc De Ciuitate Dublin iiii marc Com Kildar xii marc De coib; Com Kilkenn xi li. iii sold De côib; Com Weys xvii marc & dī Insup q dă Justic Cancellar Thes & consiliu pdcm videntes qd sume p pdcos cleru * coes pfato Murgh ut pdicit consesse ad C. man integras nullaten, extendebant et qd pacus Murgh a deis ptib; Lagen cu dca potencia sua exire noluit nisi sibi de Bdcis C marc iuxta concordia e ordinacoem pdcas plenar füit satisfcu p eosdē Justič Cancellar Thes & consiliu, concordatu est qd de ix marc pfato Murgh in psolucoem deaz C. marc de thro dni Regis soluant^r et qd bre de libate de dcis ix marc fiat The Camar de scacio ad easdem ix marc pfato Murgh in forms pdc soluend * liband.

and communities to be levied; namely, the clergy of the diocese Apportionof Dublin, 12 marks; the clergy of the diocese of Kildare, 6 ment of the marks; the clergy of the diocese of Ossory, 103s. 4d.; the clergy of the diocese of Ferns, 6 marks; the communities of the county of Dublin, 10 marks; of the city of Dublin, 4 marks; the communities of the county Kildare, 12 marks; the communities of the county Kilkenny, £11 3s. 4d.; the communities of the county Wexford, 17 marks. And moreover, the said Justiciar, chancellor, treasurer and council, seeing that the sums by the said clergy and communities, granted as aforesaid to the said Murgh, by no means amounted to clear one hundred marks, and that the said Murgh was unwilling to depart from the said parts of Leinster with his said force, unless full satisfaction of the said hundred marks, according to the agreement and ordinance aforesaid, were made him by the said Justiciar, chancellor, treasurer and council; it is agreed that the said nine marks be paid to the said Murgh in part payment of the said hundred marks, out of the treasury of the lord the King, and that a writ of Liberate of the said nine marks be made to the treasurer and chamberlains of the Exchequer, for payment and delivery of the said nine marks to the said Murgh in form aforesaid.

PRO HIBERNIA SEQUUNTUR PETITIONES LIBERATÆ IN PRÆSENTI PARLIAMESTO Una Cum Responsionibus Eisdem Ibidem Factis. 1

THERE FOLLOW PETITIONS ON BEHALF OF IRELAND DELIVERED IN THE PRESENT PARLIAMENT, TOGETHER WITH THE ANSWERS THERE MADE TO THE SAME.

Concerning the lands and benefices in Ireland of those who are not dwelling there, as well prelates, lords and ladies, as others, in some cases it seems hard to dispose of all the profits of the said lands and benefices for the carrying on of the wars there, as was heretofore ordained, and as the indenture of their message requires, be it ordained that such benefices and lands answer for the wars, finding men-at-arms and hobelers according to their proportion, doing also in all other points as others of their degree dwelling in the said land shall do, namely, that they be compelled to re-fence their castles and fortalices in the said land, in default of which, in that they are so ruinous, the land is greatly weakened and the marches laid waste.

All having lands, &c., in Ireland, to go and reside there.

Answer²: Because our lord the King has heard by the certificate of his faithful subjects of the land of Ireland, prelates, nobles, and commons, that the said land has been both much damaged and impoverished because many of the subjects of our said lord the King, having lands, rents, benefices, offices and other possessions in the said land, are not resident or dwelling there, but absent themselves and are out of the land, taking and drawing to themselves out of the said land the profits and revenues of the said lands, rents. possessions, benefices and offices; and some allowing the castles and fortresses belonging to them in the said parts to go to ruin and to be without guard, rule, and government, to the great danger of the said land and of the said subjects; by which causes the Irish rebels in the said land are increased and increasing and prevailing from day to day, and the said lieges are the less able to have power of opposing their malice, so that the said land is at point to be lost, to the disin-heritance of our said lord the King and of his crown of England, if some speedy remedy be not hereupon ordained. It is ordained by our lord the King, with the advice and assent of the lords and nobles of his realm in this Parliament being, that all manner of men, of what state or condition they be, having there lands, rents, benefices and offices, and other possessions whatsoever, betake themselves to the said land of Ireland between this and the Nativity of St. John next coming, and henceforth reside and dwell there, to the aid and strengthening of the said faithful lieges, ω guard and defend the said land against the said Irish rebels; that all those who have castles and fortresses in the said land cause them to be repaired and kept in a suitable condition, and send thereto good and safe guard, for the preservation of the said castles and fortresses, under the penalty that thereto attaches.

Castles, &c., to be repaired and guarded.

¹ The text, taken from *Hot. Parl.* 3 Ric. II. m. 2, n. 42 is printed in Prynne's Animadversions (1669), p. 307.

² This portion, as to the Statute of Absentees, is found with a somewhat varying text in Carew MS. Lambeth, No. 617, p. 187. See writ 1 Hen. IV., commanding the observance of this Statute in Ireland.

And in case any of those who have lands, offices, rents, benefices, or It absent of other possessions in the said land, be for reasonable cause absent from necessity to the said land after the said least, then for the time of their absence that defend. they be bound to send and to find there men for defence, in their places, in defence of the said land, as necessity shall require, having regard to the quantity and to the value of the said lands, rents, offices, and other possessions. And if they do not this, that the two parts of the profits of their lands, rents, offices and possessions aforesaid be levied and employed for the guard and defence of the said land, by the advice of the justiciars and governors of the said land for the time being. Always excepting Saving such as and governors of the said land for the time being. Always excepting Saving such as that the benefices of those who are in the service of the King, or students are in the in universities, or out of the said land for reasonable cause, by the King's service, licence of the King under his great seal in England, shall not be taken or or students in applied to the said guard and defence, save only the third part of the value thereof, after the ordinary and necessary charges have been deducted, according to the certificate of their ordinaries.

Further, whereas merchants, for their own profit, carry away from the land, gold and silver to make their merchandises, so that there is little or none in the said land, whereby the said lieges are greatly impoverished, may it please our lord the King to ordain and grant in the said land the right of mining and coinage, that is to say, the right of mining all manner of metal and of coining gold and silver, and that each lord of the land within his lordship may have the right of mining, making plate to convert into bullion, or to make vessels and other their necessary articles, without sending or carrying it as merchandise out of the land. And hereupon to require miners and workers to put this ordinance into execution.

The King is pleased that each man have power to mine and dig within Owners his own soil in the said land, gold, silver, and all other metals, for allowed to six years next to come, yielding to the King the ninth part, and that they mine for gold, make plate or piece of gold and silver which they shall so dig, and silver, &c. carry it to the King's mint, within the city of Dublin, taking in exchange there the King's money to the value; saving the lordship of the King, and the fees accustomed for the said minting, so that the said piece or other bullion be not sent or carried, by way of merchandise or in any other manner, out of the said land without special leave of the King by his letters, except into England, under penalty of forfeiture thereof, if it be found, or of the value, to be paid by him who shall be attainted thereof.

Further, that the merchants of Portugal and of Lisbon may come Freedom of safely into Ireland with wines and other merchandises whatsoever, and intercourse there dwell and return freely. And likewise that the merchants of requested for merchants. Ireland may freely and without impeachment go with their merchandises merchants. to the said parts of Portugal and of Lisbon; and that of this, pro-clamation be made at Bristol and elsewhere in England, and in Ireland where there shall be need; and that patents and writs of our lord the King be made thereof, so many and such as shall be required, and this for the profit of the King and great relief of his land of Ireland.

Answer: The King our lord, by the advice of his council, will ordain Remedy to be a remedy therefor.

[PATENT ROLL, 5 RICHARD II., PT. 1, ART. 242.]1

RELATI Cleri Magnates & Cões tre ñre hibñ [in]¹ pliamento ñro apud Dubliñ die sabbti in crastino alaz anno regni ñri quarto sumonito e tento compentes ₹ liba voluntate infoefa p iños in saluacoem ₹ defensionem de Pre ñre in de pliamento concess puas nouas custumas p trib; annis px futur de meandisis ? reb3 subscriptis in nauib3 in eadē [Pra]3 & extra candem Pram ducend in singlis portub; * locis maritimis eiusdem Pre ñre vbi 3 piscem capiend in mari infflint leuand * pcipiend put alias tempore dni E. nup Regis Angi aui [nri anno regni]³ sui Angt quadragesimo tcio concesse leuate fûant * recepte vidett De quatt lasta alleciū tres solid |de quolihet]8 centū pisciū magnoz duodecim denarios. centū pisciū puos sex denarios. De quott dolio salmonū qu [atuor solidos]3 De qualt pipa salmonū duos solidos. De quott dolio vini sex solidos e octo denarios. De qualt pipa vini tres solidos * quatuor denarios. De quatt librata Carniū boū porcoz * ouiū sex denarios. De quatt Weia frumenti sex solidos * octo denarios. De qualt Weia brasei fabaz pisaz ordii siliginis auenaș * hastiuelli quinq solidos. De [qualt]2 Weia salis sex solidos * octo denarios. De quatt librata corios equos cuoș affroș ac etiam pylfell [* pannorum]² laneoș ac falingaș € alios ficimonios quoscunq sex denarios.

¹ Recited in a writ dated 16 June, appointing John Ryuars to collect customs in Ulster ports.

² Obliterated.

³ Torn,

HE prelates, clergy, magnates and commons of our land of Ireland, in our parliament at Dublin on Saturday in the morrow of Souls, in the fourth year of our reign summoned and held, appearing . . . and free will, among other things by them for the safety and defence of our said land in the said parliament granted . . . certain small new Small new customs to be levied and taken for three years next to come, customs to be of the merchandises and commodities undermentioned, to be conveyed in ships into the said land and out of the said land, in the several ports and maritime places of our said land where were for taking fish in the sea, as on another occasion in the time of the lord Edward, late King of England, our grandfather, in the forty-third [year of his reign] of England, were granted, levied and received, namely, of every last of herrings, three shillings; [of every] hundred of large fish, twelve pence; of every hundred of small fish, six pence; of every tun of salmon [four shillings;] of every pipe of salmon, two shillings; of every tun of wine, six shillings and eight pence; of every pipe of wine, three shillings and four pence; of every librate of the flesh of oxen, swine and sheep, six pence; of every wey of wheat, six shillings and eight pence; of every wey of malt, beans, pease, barley, siliginum, oats and hastiuell, five shillings; of every wey of salt, six shillings and eight pence; of every librate of the hides of horses, deer, afers and also pylfells, [cloths] of wool, and cloaks and other goods whatsoever, six pence.

[Close Roll, 4 Richard II., art. 100.]1

in pliamento nro apud Dublin die sabbi in Crastino āias prophito sumonito e tento comparentes de eos coi assensu e liba voluntate infecta p ipos in saluacoem e defensicem de fre nre in de pliamento ordinata e concessa concesserint quoddam subsidiu videlt de tempalibs e spualibs suis taxatis vnam decimam p anno prophito futur sedm taxam iam currentem et de qualt Carucat fre temporaliu suos non taxatos sex solidos e octo denarios p anno paco fris suis taxat e non taxatis quas ipi sumptibs ppriis ad mensas suas colunt e glebis ecclias omnio exceptis. Ita semp qd de bificiis seu fris suis in toto vastatis nichil exigat et qd bificia seu fre sua in pte vastata iuxta ratam ptis non vastate sedm taxam pacam ofient. Necnon de qualt librata catallos tenenciu suos qui fras non colunt sex denarios p anno supedeo.

4 RICHARD II. A.D. 1380.

[Close Roll, 4 Richard II., art. 116.]2

E. nup Regis Angt aui ñri apud Kilkenñ die Jouis px post festum Cinerū anno regni dči aui ñri quadragesimo tento edita ac p nos in vltimo pliamento ñro apud Dubliñ tento confirmata statutū existat q̃d nullus homo hibnicus vel scotus nec aliquis inimicus ñr ad pfessiōem alicui° domus religiose exempte vel non exempte in Anglicos in ra ñra Hibñ situate admittat set q̃d gentes Anglice nac̃ois tam de Angt qam de Hibñ ad hui pfessiōem admittant et q̃d temporalia ipos qui ali fecint tinde fùint attincti in manus ñras seisiant in dc̃is manib; ñris ad voluntatem ñram moratur.

¹ Recited in a writ as to levying the subsidy, dated 24 Dec. addressed to the Archbishop of Dublin.

² Recited in a writ dated 24 Nov. addressed to the Abbot of St. Mary's, Dublin, commanding observance by him and his house.

The prelates and clergy of our land of Ireland appearing in our parliament, summoned and held at Dublin on Saturday in the morrow of Souls last past, of their common assent and free will, amongst other things, by them for the preservation and defence of our said land, in the said parliament ordained and granted, granted a certain subsidy, that is to say, of their temporal and spiritual possessions Subside which are taxed, one tenth for the year next to come, accord-granted by prelates and ing to the valuation now current, and of every carucate of clergy. land of their temporalities not taxed, six shillings and eight pence for the said year, their lands taxed and untaxed which they cultivate at their own expense for their mensals, and the glebes of churches altogether excepted. Provided always that of their benefices or lands which are completely wasted, nothing be exacted, and that their benefices or lands which are partly wasted be charged proportionately to the part not wasted, according to the said valuation. And of every librate of chattels of their tenants, who do not cultivate lands, sixpence for the year aforesaid.

4 RICHARD II. A.D. 1380.

ment of the lord Edward, late King of England, our grandfather, held at Kilkenny on the Thursday next after Ash Wednesday, in the fortieth year of the reign of our said Irish Statute 40 Ed. III., grandfather, and confirmed by us in our last parliament held c. xiv. conat Dublin, it was enacted that no man, Irish or Scot nor any firmed. our enemy, be admitted to the profession of any religious house, exempt or not exempt, situated among the English in our land of Ireland, but that persons of the English nation, as well of England as of Ireland, be admitted to such profession, and that the temporalities of those who shall do otherwise and the profession of a religious house. our said hands at our pleasure.

[CLOSE ROLL, 9 RICHARD II., m. 1 d. ART. 3.]

p cõitate Pre hibñ) R locu nim tenenti in Pra nira hibi. de non molestando Cancellar ac Thes & Baron de Scacio uro fre nre pace necnon Justic nris de utroq conta libtatem. banco ñro ibm cefisq ministris ñris p totam fram ñram Bdcam vbilibt constitutis¹ supplicarunt nob βlati * pceres maiores ac cões fre nre Bdce in magno nro consilio die lune .1 festum sči Michis př prito apud Dublin celebrato vt cu ipi e eos pdecessores de aut felonia * contractu quott extra dcam fram nram seu iudicio inde reddito libe possidissent priuilegiū libtatis qd contra incolas seu comorantes cui°tt condicois . virtute bris nri cuiuscuq ante hec tempa extra Angi in dcan directi execuço .1 fieri debuisset nec facta extitisset, velim' in ipoz libtatū uel priuilegioz pdcoz saluačoem . . . hui břiů nroz extra regnu nřm Angi ante hec tempa directos vel impostum dirigendos vaq[ue ad]1 pxm nrm pliamentu in eadem fra nra tenend suspendere supsedere * eidem.2 Nosu libtates [uel] priuilegia pdcs dcos supplicanciu scdm legem & consuetudiem Pre nre Pdce conseruare vole[ntes]¹ illesa vob € cuitt vrm mandam⁹ qd virtute ħui⁹ břiū ñrož vob seu alicui vřm extra re[gnum]¹ nřm pdcm hucusq director vel impostum dirigendor vsq ad pliamentu nem fldem in deal era era vt flmittit tenend nichil attemptetis quod contra hui9 libtates & priuilegia .1 infra dčam fram comorantu ñram dampnū set execucom inde faciend .1 posset in omnino supsedeatis et quilt vrm supsedeas nisi bria alia sup recupaçõe aliqua in eadem era p iudiciū ibm redditū facta vob seu alicui vrm sint directa. T. Bfato locu tenente apud Dubliñ xxmo die Octobř.

p peticoem de cons.

Obliterated.

² So in original.

HE King to our lieutenant in our land of Ireland, the chan- For the comcellor and treasurer and barons of our Exchequer of our the land of said land, also to our justices of both our benches there, and Ireland, as to not being to the rest of our officers throughout the whole of our said molested land wheresoever constituted, [greeting. Whereas] the prelates liberty. and nobles, chief men and commons of our said land in our great council held at Dublin on the Monday next . . feast of St. Michael last past, made petition unto us that whereas they and their predecessors . . . of . . felony and contract whatsoever out of our said land or of judgment thereof rendered freely the privilege of liberty that against inhabitants or persons dwelling there of whatever condition virtue of any writ of ours whatsoever, before this time directed out of England into our said land, execution ought [not] to be made, nor having been made, should it have stood, we should be willing, for the preservation of their liberties or privileges aforesaid, to suspend, surcease and . . [the execution] In execution of such our writs out of our kingdom of England before this of England, time directed or hereafter to be directed, until our next parliament to be held in our said land. And we willing to preserve unhurt the aforesaid liberties [or] privileges of the said petitioners, according to the law and custom of our said land, command you and each of you that by virtue of such our writs to you or to any of you, out of our kingdom aforesaid hitherto directed or hereafter to be directed, until our said parliament in our [said] land to be held, as is aforesaid, you attempt nothing which could . . . against such liberties and privileges of any persons dwelling within our said land to their injury, but from the execution thereof to be made you altogether surcease and each of you surcease, unless other writs made upon any recovery in the said land, by judgment there rendered, be directed to you or any of you.

Witness our aforesaid lieutenant at Dublin the 20th day of October.

By petition of the Council.

[Close Roll, 9 Richard II., m. 3 f, art. 18.]1

Concordia facta pro Nunciis v⁹sus partes Anglie mittendis.

RELATS frs & cões assemblez as counseils darrein tenuz a Diuelyn & Kilkenn y cest psent an, moustret a eux illeogs issint assemblez p le lieu tenaunt & counseil du Roy les meschiefs & l's geunt pils es que la l're dirland la frie du Roi & ses poures lieges sout en celles pties & coment & en quel mafi ils soi p'rount eider en temps auenir ou p lor mesmes sils soient de poair ou en ascun auf man et s' ceo les auuaunt ditz Blats frs & cões ount responduz gils considerans le gaunt posir des enemis irrois € rebeux englois si bien p lor force ppre come aul's enemys descoce & despaigne & aillors a eux confederes & auxi feblesse & poût des engleis lieges qil ne poont en nulle mafi lor mesmes eider ne recotler sanz effectuel aide & recotler de lor fr liege le Roi q a cest pschn seison come y semble sra fait conquest de la greindre ptie de la Pre dirland p quoi as ditz counsels les susditz plats frs e coes oue geunt delibacion e aul's veauz e considerans la matere susdite e le conquest apparaunt si pst pmy la fre ne poent ne sauont autre remede troû ne penser si noñ la venue du Roi nre €r en sa ppre psone desirranz e requeranz effectuelment de ditz lieutenaunt e counseil qils pront eslire cteins messags pr moustrer a lor dit ∮r liege les meschiefs dessusditz € ent prsuyr daû remede Surgoi as ditz counsels les ditz plats fra & cões illeogs adongs assemblez p le lieu tenaunt entre eux psent p lor liegeance chargez quis deussent eslire messengs sufficeans prenuoiera nre dit fre Roi pr ent luy moustrer les meschiefs e pils susditz e de supplier f's humblement a sa haut mageste dep les auauntditz plats fra e cões qil soi vodra tailler en sa ppre psone de srucer

¹ Taken from exemplification of enrolment of an agreement made by the prelates, &c., dated 14 Jan.

THE prelates, lords, and commons, assembled at the councils last held at Dublin and Kilkenny in this present year, it is shown to them there so assembled, by the lieutenant and council of the King, the mischiefs and very great perils which the land of Ireland, the seignory of the King, and his poor lieges have in these parts, and how and in what manner they could help themselves in time to come, either by themselves if they should possess the power, or in any other manner; and thereupon the aforesaid prelates, lords and commons have answered, that they, considering the great power of the Irish enemies and English rebels, as well by their own strength as other enemies of Scotland and Spain and elsewhere con-Weakness of federated with them, and also the weakness and poverty of the English lieges, that they are not able in any way to help themselves, nor to recover, without effectual help and recovery of their liege lord the King; that at this next season, as is likely, there will be made a conquest of the greater part of the land of Ireland; on which account at the said councils the abovesaid prelates, lords and commons, with great deliberation, and others viewing and considering the above said matter, and the conquest appearing so imminent upon the land, are not able Presence of nor know how to find or think of other remedy except the the King necessary in coming of the King, our lord, in his own person; desiring and Ireland. demanding effectually of the said lieutenant and council that they should choose certain messengers to show to the said liege lord the mischiefs abovesaid and to sue for remedy of Whereupon at the said councils, the said prelates, lords and commons there then assembled, were charged by their allegiance, by the lieutenant present among them, that they ought to choose messengers sufficient to send to our said lord the King, to show him the mischiefs and perils abovesaid and to pray very humbly to his high majesty on behalf of the aforesaid prelates, lords and commons, that he would prepare in his own person to survey and visit his said seignory, for the

9 RICHARD II. A.D. 1385.

[CLOSE ROLL, 9 RICHARD II., ART. 9.]

In quodam magno consilio dni Regis tento apud Dublin die Lune pr post festu sci Luce Ewangte anno β senti nobilis dns dns Phus de Courtenay locu tenens dni Regis Hibn in β sencia β lator Magnatu peum ε coum in dco consilio conuocator publice ε palam ptestabat ε dicebat qd si aliquis cuiuscuq status seu condicois esset qui senseret se fore geuatu de β dco locu tenente rone cuiuscuq extorcois opβ ssionis iniuste capcois aut imprisonamenti p i pm locu ten vel aliqua alia de causa aut i pius mandai qd dicent farent aut ostenderent ε i pe incontinenti illud emendaret ε reformaret qui omes ptestabant fatebant ε dicebant se in nullo β missor fore geuatos nec rone β missor se posse de i po in aliquo conqueri quod idem locu tenens petiit qd Cancellar Hibn β missa recordaret ε in rotulis Cancellar Hibn poffet de recordo.

rescue and salvation of the same, and in resistance of the conquest likely speedily to be made, and for the safety of his poor lieges in these parts. The said prelates, lords and commons, so by their allegiance charged, have elected the reverend fathers in Messengers God the archbishop of Dublin, and the bishop of Ossory, to him over. convey this message, the which messengers have in charge to make urgency and painful diligence to our lord the King, that it may please his highness to visit his said people to their perpetual succour. And in case that our lord the King will not consent to that (which God forbid!), that then they should Failing his urge to come into the land of Ireland, the greatest and most some great trustworthy lord of England, because as it seems to them, England, the land cannot otherwise . . . the mischiefs that the said land has had this present year.

9 RICHARD II. A.D. 1385.

N a great council of the lord the King, held at Dublin Declaration on Monday next after the feast of St. Luke the Courtenay, Evangelist in the present year, the noble lord, the lord Philip lieutenant of Ireland. de Courtenay, lieutenant of the lord the King, of Ireland, in as to persons the presence of the prelates, magnates, chief men and commons aggrieved by in the said council assembled, publicly and openly made declaration and said that if there were any, of whatever state or condition, who felt that he was aggrieved by the said lieutenant by reason of any extortion, oppression, unjust seizure, or imprisonment by the said lieutenant, or by any other cause or mandate of his, they should speak, confess or show it, and he would immediately amend and remedy it; and they all declared, confessed and said that they were aggrieved in none of the premises, nor could they, by reason of the premises, complain of him in anything; and the said lieutenant requested that the Chancellor of Ireland should record the premises and place them of record in the rolls of the Chancery of Ireland.

[LIBER ALBUS (CORPORATION OF DUBLIN) FOL. 91.]

TEM acordes est & assentus q toutz lez estatutz Artificeris laborers suauntz & vittaillers faitz en temps dez nobles pgenitours nre fr le Roy quest en Englefre soient tenuz & gardez en la dit Pre dirland & duement executz en touz pointz. Et auxint pr ceo q lez lowers de tieux Artificers laborers & fuauntz nount est myse en cteine deuent ces hours ordeigne est * estable q baille pr housbandrie q scieit fair charues & herces pr housbandrie preigne p An xij s & le Bailly q ne scieit cella fair x s le mestr hyne vii s Charect vi s chacer de charu vi s bercher iiij s porcher iiij s feme laborer able pr fair payn eveise & breese vi s autre feme laborer iiij s Dev iiij s Graunger vi s Garceons dez Chyvaux iiij s Coke able en son arte x s Botiller x s valetes Cokes du dit art xl d Mestr Mason de franc pier Mestr Carpentr de franc ofleigne ables destr mestres de lor art p le iour entier ii d & aults mestres dez ditz artes pr le iour ii d & autres dez ditz Artes pr le iour i d ob Mestres Collours de Sclate Mestres Plastreris dez murs ii d Coffours de Stein Offours des murs & autres labourers ables pr suir lez Artificers auanditz pr le iour i d batour dez blees de chescun mafi des blees le fr ou Mestr a qi lez blees sont alla xx buscelles * le batour un buscelle sanz auti regard ou curteisie * p couenant * chescun dez Artificers * laborers susditz Bignent lez lowers susditz del fest de Seint Patrik tanq, al fest de Seint Michell & del fest de Seint Michele tang, al fest de Seint Patrike chescuny en son degre un ob meins en le jour et ceo tantsoulement iours laborables € entiers € rien en ior de festes * demy ior demy sebary sanz autre regard ou curteisie p couant a pdre, fauches dez Preez p le iour ij d & p lacre

¹ This is undated, but as it embodies portions of the Ptatute 12 Rich. II. (Engl.), it will have been transmitted for observance here after that date, most probably immediately after.

² So in MS. for *etary.

TEM, it is agreed and assented that all the statutes of English Statutes of artificers, labourers, servants and victuallers, made in the artificers, &c., time of the noble ancestors of our lord the King that now is, to be observed in England, be kept and observed in the said land of Ireland, and duly executed in all points.

And further, because the wages of such artificers, labourers Wages of and servants have not been settled for certain hitherto, it is husbandry. ordained and established that a bailiff for husbandry, who (See 12 Ric. knows how to make ploughs and harrows for husbandry, take yearly 12s.; and the bailiff who does not know how to make the same, 10s.; the master hind, 7s.; carter, 6s.; ploughman, 6s.; shepherd, 4s; swineherd, 4s.; female labourer able to make bread, ale, and malt, 6s.; other female labourer, 4s., dairymaid, 4s.; granger, 6s.; horse-boys, 4s.; cook capable in his craft, 10s.; butler, 10s.; journeymen cooks in the said craft, 40d.; master mason of free stone, master carpenter of free Wages of work, capable of being masters of their craft, for the whole carpenters, day, 2d., and other masters of the said crafts for the day, 2d., heliers, &c. day, 2d., and other masters of the said crafts for the day, $1\frac{1}{2}d$.; master heliers III., c. iii.) of slate, master plasterers of walls, 2d.; coverers of stone, builders of walls, and other labourers, capable of serving the artificers aforesaid, for the day, 1d.; thresher of corn, of every Threshers. kind of corn—the lord or master to whom the corn belongs, shall have twenty bushels and the thresher one bushel, without other reward or courtesy and by agreement; and each of the artificers and labourers aforesaid shall take the wages aforesaid, from the feast of St. Patrick to the feast of St. Michael: and from the feast of St. Michael to the feast of St. Patrick. each in his degree, one half penny less in the day, and that No wages on only for whole working days, and nothing on feast days, and festivals. for a half day, half salary, without other reward or courtesy, [See 34 Ed. 111., c. x.) by agreement to be taken; a mower of meadows for the day, Mowers.

saunz maunger ou boire viij d * Syour dez blees en August pr le iour j d * en pays ou lez ditz Artifecers * laborers meyns soleient pud auant ces hures soient ent conteniz de ceo enau*nt. Et sy null laborer ou artificer pnt riens out lez lowers issint ordeignez en cest estatut qillez paient al Roy le trebil de ceo qiles preignent out lez lowers au*ntditz. Et celluy q voet suer pr ne fr le Roy deus ceux qeient prise excessiues lowers eit la suit * la moite de ce q le Roy aua del doun le Roy * eit fr qad fraunchise roiale autiel punissement de artificers * laborer dem'antz deinz sa fraunchise come le Rey ad de ceux q sout dem'ant hors de fraunchise et celly q voet suer pr le fr eit la suit * la moite de ce qe fra recouy del doun le fr. Et auxint acord est q toutz lez comissions faitz as Justic de laborers deinz la fra soient de tout repellez * q disormes nulle tiel comission seit g*unte a nully.

13 RICHARD II. A.D. 1389.

[PATENT ROLL, 13 RICHARD II, ARTICLE 236.]

In pliamento no apud Kylkenn die venis pr post festu sci Andree apli pr pri sumonito e tento e postea apud villam de Trysteldermot e abinde vsq. villam de Balymore e ab eadm villa de Balymore vsq. villam del Naas ex ctis causis adiornat statutu sit e ordinatu qd nullus meator nec aliquis alius cuiuscuq fuit status seu condicois aliquas falcones austureos vel cellos in tra nra hibn eme psumat ad ecs infra eandem tram nram vel in Angt aut alibi alicui vendend sub pena forisfeure falconu austureos e cellos sic emptos e venditos penes nos ac sub pena inprisonamenti corpos eos in hui casu delinquenciu quousq finem e redempcoem nobiscu fecint in hac pte.

¹ Taken from a writ dated 2nd May, directed to John Cruys and Robert Eure, appointing them to enquire concerning such as act contrary to the Statute, &:

2d., and for the acre, without food or drink, 8d., and the reaper of corn in August for the day, 1d., and in a country Reapers. where the said artificers and labourers were accustomed to take less before the present time, that they be content therewith for the future.

And if any labourer or artificer take anything beyond the Penalty for wages so ordnined in this statute, that they pay to the King wages. three times as much as they take beyond the wages aforesaid. (See 12 Ric. And that he who is willing to sue for our lord the King against those who have taken excessive wages, have the suit, and half of what the King shall have, of the King's gift; and Lords of that a lord who has such royal franchise have the punishment franchises to punish of artificers and labourers dwelling within his franchise, as the labourers King has of those who dwell without a franchise, and that he franchises. who is willing to sue for the lord have the suit, and half of (See 31 Ed. what shall be recovered, of the lord's gift.

And further, it is agreed that all commissions made to Commissions justices of labourers within the land be completely repealed, of labourers and that henceforth no such commission be granted to anyone. repealed.

within their . c. vi.)

to justices

13 RICHARD II, A.D. 1389.

N our parliament summoned and held at Kilkenny on None to buy Friday next after the feast of St. Andrew the Apostle falcons, hawks, &c., last past, and afterwards at the town of Tristeldermot, in Ireland, and thence for certain reasons adjourned to the town of Ballymore, and from the said town of Ballymore to the town of the Naas, it was enacted and ordained that no merchant nor anyone else, of whatever state or condition he be, presume to buy any falcons, hawks or tercels in our land of Ireland, to sell them to any one within our said land, or in England or elsewhere, under penalty of the forfeiture to us of the falcons, hawks and tercels so bought and sold, and under penalty of imprisonment of the bodies of those who transgress in such case, until they make fine and ransom with us in this behalf.

[LIBER ALBUS (CORPORATION OF DUBLIN) FOL. 35.]

Statuta Anglie.

ICARDUS dei gra Rex Angt & ffranc & Dñs hibnie ditcis * fidelib3 suis locum tenenti Custodi Gubnatori siue Justic tre nre hibn ac Cancellar & Thes nris eiusdem tre qui nunc sunt vel qui pro tempore fuint saitm. Constat nob p inspeccoem rotulos Cancellar dni E. nup Regis Angt aui nri qd Idem auus nr ad pliamentu suu apud Westm tentu die Mercur post mediam quadragesimam anno regni sui quarto decimo fieri fecit quoddam statutū in quo quidā articulus inf celos continet in hec ba. Item proe que un visconts ont lor baillifs a ime des ans du gant le Roi & ascuns saffient tant de lor longe demoer en lor baillie p peurement quis sont esbaudez de faire moultz doppssions au poeple & de male suer au Roy * au son poeple. Si est assentuz e establi q nul viscont demoerge en sa baillie outre vn an * adonqs soit autre couenable ordeigne en son lieu qad Pre sufficeant en sa baille p les Chaunceller + Tresorer & Chief Baron del Escheger prises a eux les chiefs Justices del vn bank & del autre sils soient Beentz, & ceo soit fait chescun an a lendemayn des Almes al Escheqer. nob eciam p inspeccoem rotulos Cancellar nre qd nos ad pliamentu nrm tentu apud Westm ad quindenam sci Michis anno regni nri primo quoddam statutu fieri fecim' in quo cti

vič.

STATUTES OF ENGLAND.

ICHARD by the grace of God, King of England and France, and lord of Ireland, to his beloved and faithful lieutenant, custos, governor or justiciar of our land of Ireland, and to our chancellor and treasurer of the said land, who now are or who for the time shall be, greeting. It appears to us, by inspection of the rolls of Chancery of the lord Edward, late King of England, our grandfather, that our said grandfather at his Parliament held at Westminster on the Wednesday after mid-lent, in the fourteenth year of his reign, caused to be made a statute, in which is contained, among others, a certain article in these words:—

"Item, because some sheriffs have their bailiwicks for a Recital of 14 "term of years, of the grant of the King, and some trust so Ed. III., Stat., "much to their long continuance in their office by procurement, that they are emboldened to inflict many oppressions
on the people, and to serve the King and his people badly;
it is assented and established that no sheriff remain in his
bailiwick beyond one year, and then that there be another Sheriffs to be
fit person, who has sufficient land in his bailiwick, appointed yearly in the
in his place, by the chancellor and treasurer and chief baron Exchequer.
of the Exchequer, taking to themselves the chief justices of
the one Bench and of the other, if they be present, and that
this be done each year, on the morrow of Souls, at the
Exchequer."

Further it appears to us, by inspection of the rolls of our Chancery, that at our Parliament held at Westminster in the quinzaine of St. Michael, in the first year of our reign, we articuli in ce os continent in hec ba. Item acorde est q

desore nulle pteccion oue clause de Volum9 soit allowe deuant ascun Juge pr vitailles prisez ou achatez sr le viage ou svies dount la pteccion ne faite mencion naussint en plees du trespas ou dautres contractes faitz ou ppetrees puis la date de mesme la pteccion. Item ordeigne est q null qad estee viscont dascun Counte p vn au entier ne soit deinz le tierce an pschein ensuant eslutz ne remys en dit office du viscont si soit autre sufficeant en dit Countee des possessions e biens pr respondre au Roy e au poeple. Constat nob eciam p inspeccoem rotuloz eiuscm Cancellar nre qd nos ad pliamentu ñrm apud Westm tentu die lune in octab sci Michis anno Regni ñri sexto quoddam Statutū fieri fecim' in quo quidam articulus in cefos continetr in hec Pba, Item conta maleftores ₹ raptores dnaş ₹ filiaş nobiliū aliaşq, mulieş violenter ₹ plus solito hiis dieb; quasi in omi pte regni paci invalescentes ordinatū est * statutū qd vbicūq * quandocumq hui? dne filie e alie mulieres pace deceto rapiantr e post hmo raptu hmo raptorib; consenserint qd tam raptores siue rapientes qam rapte * eos quitt decelo inhilitent * inhiles sint ipo fco ad omem hereditate dotem sine conjunctum feoffamentu [post mortem virorum]1 * antecessos suos hend vel vendicand * qd statim in hoc casu pxim9 de sanguine eoşdm rapientiū & raptaş cui hereditas dos siue coniunctu feoffamentu descendere resti remanere vel accedere deberet post morte rapientis vel rapte

Rapptor.

¹ These words are in the Statute Roll.

ance, dower,

caused to be made a statute, in which are contained, among others, certain articles in these words:-

"Item, it is agreed that henceforth no protection, with I Ric. II. "clause of 'volumus,' be allowed before any judge, for victuals protection "taken or purchased upon an expedition or service of which "with clause "volumus" "the protection makes no mention, nor yet in pleas of trespass not allowed. "or of other contracts made or committed after the date of the " said protection.

"Item, it is ordained that no one who has been 1 Ric. II., "sheriff of any county for one whole year, he within the three sheriff to be "years next following, elected or reappointed to the said re-elected "office of sheriff, if there be another in the said county years. "sufficient in possessions and goods to answer to the King "and to the people."

Further, it appears to us, by inspection of the rolls of our said Chancery, that at our Parliament held at Westminster on. Monday in the octave of St. Michael, in the sixth year of our reign, we caused to be made a statute, in which is contained, among others, a certain article in these words :-

"Item, against evildoers and ravishers of ladies and the 6 Ric. II. "daughters of noblemen, and other women, who are offending after rape "more violently and unwontedly at the present time, as in the woman "every part of the said kingdom, it is ordained and enacted parties shall "that wheresoever and whensoever such ladies, daughters and from taking "other women aforesaid are henceforth ravished, and after by inherit-"such rape consent to such ravishers, as well the ravishers or jointure. "or those who commit the rape, as also the women "ravished, and every of them, be henceforth incapacitated and "incapable, by the very fact, of holding or claiming any in-"heritance, dower or joint feoffment [after the death of their "husbands] and of their ancestors, and that immediately, in "this case, the next in blood of the said ravishers and women "ravished, to whom the inheritance, dower or joint feoffment "ought to descend, revert, remain or accrue, after the death of "the ravisher or woman ravished, have title directly, to wit,

heant titulū inmediate statim scilt post raptū intrandi sup rapientë vel raptam e eoz assign e Pre tenentes in eisim hereditate dote seu coniuncto feoffamento e illa hereditate tenend, * qd [viri]1 hm? muliez si viros huerint vel si viros non huerint supstites qd tunc pres vel alii de sanguine eatdem ppinquiores decelo heant sectam psequend & sequi polunt vsus eosdm maleftores & raptores in hac pte & illos inde qam[uis]s eedem mulieres post hm9 raptū deis raptoribus consenserint de vita & membro conuincendi et vlius concordatu est qd defendens in hoc casu ad duellū minime recipiatr ymmo rei veritas p inquisicoem prie triet. Salvis semp Regi & cellis dnis regni pdči de raptorib; illis si forsan conuincant in omib; escaetis suis. Constat nob insup p inspecconem rotuloz eiuscim Cancellar nre qd nos ad pliamentu nrm apud Westm tentu die lune px post festu sci hillar anno regni nri Pcio decimo quoddam statutu fieri fecim, in quo quidam articulus inf cefos continetr in hec Pba. Item pr ce q̃ moultz des gentz sont delaies sibien en accion roiales com en accion psonele p pteccion oue clause de Volum⁹ pr ceo q plusurs gentz sibien tielx q ne sont pas ables destre retenuz pr guerre com autres p tesmoignance des gounours des Marches, Capitayns dez garnesons admiralx * autres pchacent diffsez pteccions oue clause de volum⁹ [et] oue clause de quia pfectur est, abs ce q le plee soit comencee enûs eaux pr delaier mesme le plee plus q pr le suice le Roy la ou assetz dez autres sufficeantz qi ne sont pas empledeez poent estre trouez pr suer le Roy en tiel cas e

p**te**ccon.

pas empledeez poent estre trouez p^r suer le Roy en tiel cas e socuent democrent en pais sanz ailler a lo^r dit suice au t's g^ant damage des ditz p^rsuantz e en desto^rbance de cõe droyt. Acorde est q nul pteccion oue la clause de pfectur est soit

"immediately after the rape, to enter upon the ravisher or woman ravished, and their assigns, and the tenants of the " land in the said inheritance, dower or joint feoffment, and to " hold them by inheritance. And that [the husbands] of such women, if they have husbands, or if they have not husbands Husband or "Iving, then their fathers or others nearest to them in blood, may prose-"henceforth have suit to prosecute, and may sue the said cute. "evil-doers and ravishers in this behalf, and have them "convicted of life and limb, although the said women, "after such rape, consented to the said ravishers. "further, it is agreed that the defendant in this case be Defendant may not have "not admitted to the duel, but that the truth of the matter the duel. "be tried by inquest of the country, saving always to the "King and the other lords of the kingdom aforesaid in all Saving of

Furthermore, it appears to us, by inspection of the rolls of our said Chancery that at our Parliament held at Westminster on Monday next after the feast of St. Hilary, in the thirteenth year of our reign, we caused to be made a statute in which is contained, among others, a certain article in these words :-

"things their escheats of those ravishers, if it happen that

"they are convicted."

"Item, because many persons are delayed, as well in action 13 Ric. II., "real as in personal action, by protection with clause of Stat. I., c. xvi. "' volumus,' for that many persons, as well such as be not able Protection, Quia profect-"to be retained for war, as others, by testimony of urus, when "governors of the Marches, captains of garrisons, admirals "and others, purchase divers protections with clause of "'volumus' [and] with clause of 'quia profecturus est,' after "plea is commenced against them, to delay the said plea "rather than for the service of the King, whereas enough "of other sufficient persons who are not impleaded, can be "found to serve the King in such case, and they often remain "in the country without going to their said service, to the very "great damage of the said prosecutors and in disturbance of "common right. It is agreed that no protection with clause of

alowe en nulle plee dount la suite soit comence deuant la date de tiel pteccion, si ceo ne soit en viage en quele le Roy mesmes passe ou autre viage roial ou es messages du Roy p^r bussoignes du realme; mes facent tielx empledeez lo^r atto^rnes p^r respondre p^r eux en tielx plees ou demoergent mesmes sils voillent; mes nest pas lentencion de cest estatut mes q̃ pteccion oue clause "quia morat" soit allowe en tous cas, com este fait auant sez heurs. Et hoc vob & cuitt vr̃m significam, mandantes q̃d singulos articulos pdc̃os statutos pdc̃os in tra ñra hibnie in Comitatib3 Ciuitatib3 Burgis & villis matoriis & aliis locis fre ñre pdce vbi magis expediens fûit publice pelamari & teneri ac obseruari faciatis. T. me ip̃o apud Westm̃ sc̃do die Septembr̃ anno r̃ ñ quintodecimo.

18 RICHARD II. A.D. 1394.

[CLOSE ROLL, 18 RICHARD II., ARTICLE 41.]1

In quodam pliamento no apud dublin die Martis pr post festum sci Andree Apli pr prito sumonito e tento ordinatu existat qd nullus ligeus no cuiuscuma status seu condiconis fuit aliqua blada blaseu panem vinu suiciam sal ferru equos armaturas seu alia victualia quecuma alicui hibnico in Anglicos ligeos nos non comoranti det vendat mittat ducat aut accomodet sub cta pena in dea ordinacoe limitata.

¹Taken from writ, dated 19 Dec., to the sheriff of Louth and wardens of the peace in said county, commanding them to have this ordinance proclaimed and observed.

*recto brassum.

"" profecturus est' be allowed in any plea, of which the suit is
"commenced before the date of such protection, unless it be on
"an expedition in which the King himself is travelling, or
"other royal expedition, or on the messages of the King, for
"the business of the realm, but that such impleaded persons
"appoint their attorneys to answer for them in such pleas, or
"if they will, remain themselves; but it is not the intention of Protections"
"this statute but that protection with clause of 'quia morature'
"this statute but that protection with clause of 'quia rus, as before.
"'moraturus' be allowed in all cases, as has heretofore been
"done."

And this we communicate to you and each of you, com-Above to be manding that you cause the said several articles of the said observed in statutes to be publicly proclaimed in our land of Ireland, in counties, cities, burghs and market towns, and other places of our said land, where it shall be most fitting, and to be kept and observed.

Witness myself at Westminster the second day of September in the fifteenth year of our reign.

18 RICHARD II. A.D. 1394.

In a parliament of ours, summoned and held at Dublin None to sell on the Tuesday next after the feast of St. Andrew any Irishman the Apostle last past, it was ordained that no liege among subject of ours, of whatever estate or condition he be, give, English lieges, sell, send, bring or lend to any Irishman, not abiding among our English lieges, any corn, malt, bread, wine, ale, salt, iron, horses, armour, or other necessaries whatsoever, under a certain penalty in the said ordinance limited.

2 K 2

1 HENRY IV. A.D. 1399.

[RED BOOK OF THE EXCHEQUER IN IRELAND, FOL. 8s.]

Statutū absencie,

ENRICUS dei gra Rex Angt & ffranc & dominus hibñ locum tenenti fre nre hibn [*]1 Cancellar * Thes nris ibm saltm. Cum in pliamento2 dni R nup Regis Angt scdi post [con]questum anno regni sui cio tento, ordinatum fuisset & concordatum qd omes cuiuscumq [status]1 seu condiçõis fuerint Pras redditus beneficia officia e alias possessiones quecumq inf fram pacam hentes vsus candem Pram se traherent ante festum Natiuitatis sci Johis Bapie tunc futur e extunc in auxilium e fortificaçõem fideliù e ligeos suos ibidem morent^r e resideant ad dc[am]¹ fram contra rebelles hibnicos custodiena e defendena et ad omes illi qui castra * fortalicia in [dca]1 Pra adtunc huerunt ea reparari * in statu competenti sustineri fac, ac ibidem bonam « securam custodiam p saluaçõe eoşdem castroz e fortalicioz sub incumbenti piculo ponant et in casu[qd] aliquis illoz qui Pras officia redditus beneficia aut alias possessiones in Pdca Pra herent exte eandem fram post dem festum ex ronabili causa absens füit, tunc p tempore absencie sue hõies desensabiles in defensionem eiusdem Pre iuxta id quod necessitas exegit loco suo mitle * inuenire teneat^r [habito]¹ respectu ad quantitatem valorem Praz reddituū officioz e aliaz possessionū supedcoz. quod si fecit tunc due ptes pficuos Pres reddituu officios * possessionū suož pacož p anisamentū Justič [vel] Gubnatož fre Pace qui p tempore forent leuent e sup custodia e defensione

² See 3 Ric. II. (p. 476).

1 HENRY IV. A.D. 1399.

STATUTE OF ABSENTEES.

ENRY by the grace of God, King of England and France, and lord of Ireland. To the Lieutenant of our land of Ireland and our Chancellor and Treasurer there, greeting. Whereas in a parliament of the lord Richard, Statute late King of England, the second after the Conquest, held in 3 Ric. II. to be observed. the third year of his reign, it was ordained and agreed, that all, of whatsoever state or condition they might be, having lands, rents, benefices, offices and other possessions whatso- All having ever within the said land, should betake themselves to the lands in Ireland to go said land before the Feast of the Nativity of St. John the thither and Baptist then next to come, and from that time, in aid resideand strengthening of his faithful and liege men there, should remain and reside, to guard and defend the said land against the Irish rebels, and that all those who had castles and fortalices in the said land forthwith cause them to be repaired and kept up in a fitting state, and place there good Castles, &c., and secure guard for the safety of the said castles and fortalices under impending danger. And in case that any of those who have lands, offices, rents, benefices or other possessions in the aforesaid land should be absent without the said land after the said Feast for reasonable cause, then during the Those unable to go to pro-time of his absence, for the protection of the said land as vide men for necessity shall demand, that he be bound, in his stead, to send defending the land. and find men able to defend, respect being had to the quantity and value of the lands, rents, offices and other possessions aforesaid; which if he should [not] do, then that two parts of the profits of their said lands, rents, offices and possessions. by the advice of the Justiciar or Governors of the aforesaid On default, land for the time being, be levied, and converted to the guard-value to be ing and defence of the said land; provided always that the levied for defence.

eiusdem fre constant, pviso semp qd fcia ps valoris beneficios om illos qui in suicio regis immorant, vel student in unissitate aut exte caudem fram ex causa fonabili de licencia regia sub magno sigillo suo in Angt absentes fsiint osib ordinariis e necessariis sedm ctificacoem ordinarios suos omino deductis, circa custodiam e defensionem sedas constat, e applicet, put in ordinacoe seda plenius continet. Vob mandam, sirmit iniungentes qd ordinacoem sedam in omib e singitis suis articis quantum in vob est firmit, iniuiolabit, teneri e observari sac iuxta tenorem e effem eiusdem quousq aliud inde duxim, demandand. T. meiso apud Westm xvii. die decemb anno f n primo.

Me⁴ qd Statutū siue Ordinaco de Absentib5 sup quo ista bria fundant⁷ est in albo libro hui⁹ sc^acii¹ ad plenū € ne done nult enquisicon vide ibm.

The White Book of the Exchequer in Ireland is not now extant.

١

third part of the value of the benefices of all those who are detained in the King's service, or are studying in a University, King's service or without the said land for reasonable cause by reyal license or students, &c., to under his great scal in England may be absent (the ordinary contribute and necessary charges according to the certificate of their Ordinaries being wholly deducted), be converted and applied towards the aforesaid guarding and defence, as in the aforesaid ordinance is more fully contained. We command, firmly enjoining you, that the aforesaid ordinance in all and every its articles, as much as in you lies, firmly and inviolably you cause to be held and observed, according to the tenor and effect of the same, until we shall think fit to enjoin otherwise therein. Witness myself at Westminster the 17th day of December, in the first year of our reign.

Be it remembered that the statute or ordinance of Absentees, on which these writs are founded, is in full in the White Book of this Exchequer, and does not grant any inquisition. See there.

3 HENRY IV. A.D. 1402.

[PATENT ROLL 3 HENRY IV., ART. 255d.]

TRE frie Roy Henry quart aßs le conquest a son plement tenuz a Dyuelyn le Joesdy pachn aßs la quinzeme de Pasq lan de son regne tierce deuant son is ame fitz Thomas de lancastre seneschalt denglere lieutenant nre dit frie Roy en Irland, desirant mult entierment q la pees les loies a les estatutz auant ces heures ordeinez deinz la fre dirland a la bon gounance dycelt soient gardez a maintenuz en toutz pointz a sez foiaux liges a subgitz nurries a gounes en quiete a tanquillite en tous les pties de mesme la fre al hon de dien de seint esglise a la coe pfit de tout le poeple de sa dit fre p assent des prelats Countes Barons a aufs gaundes a de tout la coe de sa dit fre au dit plement somonez ordeigns e establist en mesme le plement cteins estatutz cordenances southesciptz les queux il voet qils soient fermement tenuz a gardez a tous iours.

En primes est accordez * assentuz q seint esglise eit * enioise tous sez fraunchises libtees francs vsages * coustumes saunz emblemisement come ils ount eue * vse * solonc les fraunchises ordeignes * gauntez p ne f' le Roy ou sez pgenito's p estatutz ou ordeignaunces faitz en Engle're ou en Irland.

Iîm accorde est assentuz q sa dit fre dirland eit a enioise ses libtes a fraunchises bones custumes a vsages come ad este resonablement vse deuant sez heurs.

Iîm accordez est & establi q les estatutz & ordenancz faitz en vn plement tenuz a Kylkenny le Joesdy pschin aßs le fest de Cendres lan du regne le Roy E. tierce niel n fr le Roy

3 HENRY IV. A.D. 1402.

UR lord King Henry, the Fourth after the Conquest, in his Parliament held at Dublin on Thursday next after the quinzaine of Easter, in the third year of his reign, before his well beloved son Thomas of Lancaster, Seneschal of England, Lieutenant of our said lord the King in Ireland, most earnestly desiring that the peace, the laws, and the statutes heretofore ordained in the land of Ireland, and the good governance of the same, may be guarded and maintained in all points, and his faithful lieges and subjects nourished and governed in quiet and tranquillity in all parts of the said land, to the honour of God and of Holy Church, and the common profit of all the people of his said land, by the assent of the Prelates, Earls, Barons and other great men, and of all the commonalty of his said land summoned to the said Parliament, ordained and established in the said Parliament certain statutes and ordinances underwritten, the which he wills to be firmly held and observed always.

Firstly, it is agreed and assented to, that Holy Church have Holy Church and enjoy all her franchises, liberties, free usages and customs to have her liberties. without impeachment, as they have had and used them, and according to the franchises ordained and granted by our lord the King or his progenitors, by statutes or ordinances made in England or in Ireland.

Also, it is agreed and assented to, that his said land of Ireland to Ireland have and enjoy its liberties and franchises, good liberties customs and usages, as has heretofore been reasonably accustomed.

Also, it is agreed and established that the statutes and Statutes of ordinances made in a Parliament held at Kilkenny on Kilkenny on 40 Ed. III. Thursday next after Ash Wednesday, in the fortieth year of confirmed the reign of King Edward the Third, grandfather of our

quorest qarant deuant leonell adonqs duc de Clarence * lieutenant du d . . .¹ sa dite Pre soient tenuz gardez ₹ confermes & south le gand seal nre fr le . . . 1 maundez a tous les viscouts dicele fre a pelamer & publier deinz

Itm B ceo q les admiralx & lor deputes deinz la dite fre 1 leg iurisdiccions fanchises & auts pfits qappteignent a ñre dit €r le . . .1 Citees Burghs & villes sibien deinz fraunchises come dehors a gende oppssion 1 fre * pde nre dit fr le Roy * encontre lestatut2 fait en temps le Roy Richard pdecessor nre dit &r le Roy qerest en Engil re en quele estatut estoit ordeigne e establi à lez admiralx & lor deputes ne devient mellere de nule chose fait deinz le roialme mais soulement de chose fait s' la meere et q3 tous mailes de contractz plees e quereles e de tous aufa choses faitz ou sourdantz deinz les corps des Countees sibn p fre come p ewe * auxiut wrek de meere qils soient tries terminez * discuscies * remedies p la ley de la fre * nemy deuant les admiralx no lor deputes on nule aute ordeigne est & establi q le dit estatut issint fait en Engletre soit tenuz gardez * executz deinz la Pre dirland en tous pointz.

Itm β ceo \tilde{q} le clerc del Marche prent a son oeps demesne pluseurs fees fynes € amcie les Citees fries Burghs € villes p officio respectuando en gend oppssion de la coe poeple du dite Pre & encontr les estatutz ent faitz en Engletre en temps le Roy Richard secunde βdecessor ñre &r le Roy qorest p quele estatut ordeigne estoit q le dit clerc deust duement faire son office & arder tous les faux mesures saunz findre nutt fyne & punir chescun qil . . 1 coupable solone son desert, ordeigne est & establi q le dit estatut issint fait en Englere soit tenuz

¹ Obliterated.

³ At Westminster, 13 Ric. II., Stat. 1, cap. 5.

^a Statute at Westminster, 15 Richard II., cap. 3. Both these enactments are to be found in the Red Book of the Exchequer in Ireland, fol 22. (See p. 510).

lord the King that now is, before Leonell, then Duke of Clarence, and lieutenant of [the said lord the King] of his said land, be held observed and confirmed and under the great seal of our said lord the [King] be sent to all the sheriffs of the said land, to proclaim and publish

Also, whereas the Admirals and their deputies in the said Statute land usurp the [privileges] jurisdictions, franchises and other No. 1, c. v., as profits which appertain to our said lord the [King, in the] to jurisdiction of Admirals, cities, burghs, and towns, as well within franchises as without, to be observed to the great oppression [of the people of the said] land and loss of our said lord the King, and contrary to the statute made in the time of King Richard, predecessor of our said lord the King that now is, in England, in which statute it was ordained and established that the Admirals and their deputies ought not to interfere in anything done in the realm, but only in any matter done on sea, and that all manner of contracts, pleas and plaints and of all other things done or arising in the body of the counties, as well by land as by water, and also wreck of the sea should be tried, attermined and argued, and remedied by the law of the land, and not before the Admirals or their deputies or any other, It is ordained and established that the said statute so made in England be held, observed and executed, in the land of Ireland in all points.

Also, whereas the clerk of the market takes to his own Statute use many fees, fines, and amerces cities, seigniories, burghs 18 Ric. II., No. 1, c. iv. and towns, in right of his office, to the great oppression of Duty of the the common people of the said land and contrary to the market as to statutes in those cases made in England, in the time of King weights, &c. to be observed Richard the Second, predecessor of our lord the King that in Ireland. now is, by which statute it was ordained that the said clerk ought duly to execute his office, and burn all the false measures. without taking any fine, and punish everyone that he [finds] guilty, according to his desert, It is ordained and established that the said statute so made in England be held

gardez & executez deinz la fre dirlande en toutz pointz. Et si le dit clerc ou son deputes face le conterie & de ceo soit atteint face fyn a Roy & pde le dit clerc son office.

Itm accorde est * establie q si nult home nutandre entre en le Conynger dascun fr ou nult autre deinz la dite fre dirland t tue les Conynges deinz le dit Conynger trões eit la ptie greue sa accion p brief ou p bille * recoûe ses damages a x foitz * outre soit reint a la volente du Rov.

Iîm ordeigne est & establie q nult purueor des hostelx de lieutenent Justice ou Cons[table] de mesme la fre quest ou q pr le temps sra ne mesure ascune mañe des blees pr les ditz hostelx sinon p buschelt en seal accordant al standart et si nully face a lencontre & de ceo soit atteint ou duement pue soit ouste de son office & outre reint a la volente du Roy.

observed and executed in the land of Ireland in all points. And if the said clerk or his deputies do the contrary, and thereof be convicted, that the said clerk make fine to the King, and lose his office.

Also, it is agreed and established that letters patents of Licence of licence under the great seal of Ireland [made] and granted absence under henceforth to those who are or shall be absent from the said, Ireland to be land, be of the actual force as the letters patents in this case like in made and granted under the great seal of England.

as valid as the England.

Also, it is agreed and established that if any man in the Penalty for night time enter into the rabbit warren of any lord or any killing rabbits at night in a other, in the said land of Ireland, and kill the rabbits found warren. in the said warren, that the party aggrieved have his action by writ or by bill, and recover his damages tenfold, and furthermore [that the offender be] fined at the will of the King.

Also, it is ordained and established that no purveyor of the Corn for households of the lieutenant, justice or cons[table] of the said of the land, that now is, or that for the time shall be, measure any lieutenant, manner of corn for the said households, except by the bushel measured by sealed, according to the standard, and if any do to the contrary the standard bushel. and thereof be convicted, or it be duly proved, that he be removed from his office, and furthermore fined at the will of the King.

3 HENRY IV. A.D. 1402.

[RED BOOK OF THE EXCHEQUER IN IRELAND, FOL. 22.]

Lestatut fait encontr les Amiralx lan le Roi Ric. xiii-1

PUR ceo q gaunt & Cone clamor & pleint out estee souent faites deuant cez heures & vnqore sout de ceo q les admiralles & lor deputes teignent lor cessions en diffees places deins la roialme sibien deins franchises come dehors acrochant eux plus gant poair q a lor office apptient en fiudice de nre fr le Roi & la Cone ley de roialme & gaunt emblessement dez plusors diffses franches & en destruccion & empossissement de Coe poeple. Accorde est & assentu q les Admiralles et lor deputes ne soi mellent desore enauant de nult chose fait deins la roialme mes soulement de chose fait sr la mer solonc ceo qua estee duement vsee el temps de noble Roi E. Aiel nre fr le Roi que est &c.

3 HENRY IV. A.D. 1402.

[Red Book of the Exchequer in Ireland, fol. 22.]

Lestatut fait encontr les Amiralx lan le Roi Ric. que est xv^{me. 1}

LA greuouse & gaunde compleint de tut le Coe fait a nre fr le Roi en cest psent plement de ceo q les Admiralx et lor deputes accrochent a eux diffses Jurisdiccions franchises & plusors autres pfitz qappteignent a nre fr le Roi & as aultres frs Citees & Burghs autres qils ne soleient ne ne

¹ Ordered to be observed in Ireland by Statute in a carliament held at Dublin, 3 Hen. IV. (See p. 507).

3 HENRY IV. A.D. 1402.

THE STATUTE ENACTED AGAINST ADMIRALS IN THE 13TH YEAR OF KING RICHARD.

HEREAS great and common clamour and complaint Jurisdiction of have often been made before this time and still are the Admirals and their deputies hold their deputies. sessions in divers places in the realm, as well within franchises as without, assuming to themselves greater authority than to their office belongs, to the prejudice of our lord the King and the common law of the realm, and the great injury of several divers franchises, and to the destruction and impoverishment of the common people. It is agreed and assented, that the Admirals and their deputies henceforth interfere not in any thing done in the realm, but only in things done on the sea, according to what was duly accustomed in the time of the noble King Edward, grandfather of our lord the King that now is, &c.

3 HENRY IV. A.D. 1402.

THE STATUTE ENACTED AGAINST ADMIRALS IN THE 15TH YEAR OF KING RICHARD THAT NOW IS.

A T the grievous and heavy complaint of all the community, Jurisdiction of made to our lord the King in this present Parliament, the Admirals. for that the Admirals and their deputies assume to themselves divers jurisdictions, franchises, and many other profits which appertain to our lord the King and to other lords, cities and

deuoroient auer de droit « a l's gent oppsion « empossissement de tut la Coe de la fre * arrerissement * pde de pfitz ñre f le Roi & dez plusours autres frs Citees & Burghs pmy tut la roialme declares Est ordeignee e estable q dez tous mans contectes plees & quereles & de tous autres choses faites ou sourdantz deinz lez corps dez Countes sibien p Pre come p ewe * auxint de Wrek de Meer la Cort de ladmiralt eit null mane de conissance poair ne Jurisdiccion mes soient toutz tiels mants contactes plees a querelles a toutz autres choses sordantz deins le corps dez ditz Countes sibien p re come p ewe come desuis, Et auxint wrek de meer ties Pmines descus [* remedi]es p lez loies de la fre & nemý deuant [ne pl] ladmiral ne son lieutenant [en nule mafie] Nientmeins de mort dome ne de mahayme faitz es grosses neefs [estantz &] hoûantz en my le haut fil riûs tantsoulement paraval les [pountz] de mesmes les rivres² pluis pscheins au meer * en [nul autre lieu de mesmes les ri]us eit ladmiral conissance * auxint darest de niefs [en les gantz fletz p' gantz] viages de Roi e de roialme Savant au Roi tous [mañes] forfaitres & pfitz ent puenantz. E eit ensement Jurisdiccion sr lez ditz [fletz durantz] lez ditz viages tant soulement sauent toutdis as frs Citees [* burghs lour libtees * fraunchises].

¹ The words "ne pur" are in the Eng. Stat. Roll. They are also in the MS., but appear to have been struck out.

3 These words are not in the Red Book. They, as also the words in

These words are not in the Red Book. They, as also the words in brackets, are supplied from Statutes of the Realm II. 79, as occurring in the English Statute Roll.

burghs, other than they were accustomed and ought to have of right, both to the great oppression and impoverishment of all the community of the land and the hinderance and loss of profits of our lord the King, and of many other lords, cities and burghs throughout the whole kingdom. It is declared, ordained and established that of all manner of contracts, pleas, and plaints, and of all other things done or arising in the bodies of the counties, as well by land as by water, and also of wreck of the sea, the court of the Admiral have no manner of cognisance, power or jurisdiction, but that all such manner of contracts, pleas and plaints, and all other things arising in the bodies of the said counties, as well by land as by water, as above, and also wreck of the sea, be tried, attermined, argued [and remedied] by the laws of the land, and not before the Admiral or his lieutenant [in any manner]. Nevertheless, that of the death of a man and of a maihem committed in large ships, [being and] hovering in the main stream of rivers [only below the bridges of the same rivers] next the sea and in [no other places of the same] rivers, have the Admiral cognisance, and also to arrest ships [in the great fleets for the great] expeditions of the King and of the kingdom, saving to the King all [manner] of forfeitures and profits arising thereout. And that he have likewise jurisdiction over the said [fleets during] the said expeditions only, saving always to the lords, cities [and burghs their liberties and franchises].

3 HENRY 1V. A.D. 1402.

[PLEA ROLL. 3 HENRY IV. No. 334, M. 5f.]

OMINUS Rex mandauit bre suum Justic suis ad pita coram eo in fra Hibnie assign in hec vba. Henricus dei gra Rex Angt & ffranc & dominus Hibnie Justic suis ad pita coram nob in tra nra Hibnie tenend assign Salim. Quendam articim in quodam statuto in parliamento nro apud Dublin vitimo tento int cela contentum edito, vob mittim bsentib3 intclusum Mandantes qd viso articio paco illum publice pelamari ac firmit tenti & obsuari fac put continet in eodem, Mandauim enim vicecomiti nro Com Mid qd articulum pacem in locis eiusdem Comitatis vbi melius expedire polit puplice pelamari ac firmit teneri & obsuari fac in forma paca. To carissimo filio nro Thoma de Lancastr senescallo Angt locum nrm tenente in tra nra Hibnie apud Dublin xj die Julii anno r nteio.

Articlm patet in forma que sequitr.

Item acorde est « defendu q nul desore face nult entre en ascounz fres tens ou autres possessiouns qcounces ne lot teignent einz en icelles a fort mayne oue a multitude de gens eainz taunte soulement en pesible « easie mañe et si nult le face et pleint ent veigne as Justices de la pees oue al viscount del Councte ou a ascou de eaux [les dites Justices] ou le viscount preignent ou preigne sufficeaunt poair del Counte « voisent en vois a lieu ou tiel force soit fait et sils trouent ou troue ascounz q teignent tiel lieu forciblement aßs tiel entre fait soient prisez « misez en le pscheigne gaole ay dem en conuicte en capacitation de counte en conuicte en conuicte en conuicte en capacitation de capacitation en capacitation de capacitation en ca

² So in orig. : possibly for ou voist.

3 HENRY IV. A.D. 1402.

THE lord the King sent his writ to his Justices assigned for [holding] pleas before him in the land of Ireland, in these words.

Henry, by the grace of God, King of England and France, The ensuing and lord of Ireland, to his justices assigned for holding pleas article to be observed. before us in our land of Ireland, greeting. We send you inclosed in these presents a certain article (among other things contained) in a certain statute made in our parliament at Dublin last held, commanding that on sight of the said article you cause the same to be publicly proclaimed and firmly held and observed, as in the same is contained, and we have commanded our sheriff in the county of Meath, that he cause the said article to be publicly proclaimed and firmly held and observed in form aforesaid, in the parts of the said county where it may be most expedient. Witness our very dear son, Thomas of Lancaster, seneschal of England, our lieutenant in our land of Ireland, at Dublin, the 11th day of July, in the third year of our reign.

The article appears in form following.

Also, it is agreed and it is forbidden that any henceforth make Against forany entry into any lands, tenements or other possessions whatsoever, nor hold themselves still in the same with a strong hand or with a number of people, but only in a peaceable and quiet way; and if any do it, and complaint thereof come to the justices of the peace, or the sheriff of the county, or any of them, that [the said justices] or the sheriff take a sufficient posse of the county, and go to the place where such force was made, and if they or he find any who hold such place by force after such entry made, that they be taken and committed to the nearest Punishment.

de recorde de mesmes les Justices ou vne de eux ou le viscount taunq ils eient fait fyn & raunceoms au Roy et q toutz gantz de Councte soient entendauns as ditz Justices & a chescoun de eaux & a viscount p^r aller & enforcer mesmes les Justices ou viscount p^r arrester tielux mealfaisours s^r payne denprisounment & de fair fyn au Roi. Et en cas q nul tiel entre soit fait a force come de suis est dit soit tenuz p^r nult sauaunt au ptie autre foitz soun entre peisiblement en due fo^rme sil ad droite.

11 HENRY IV. A.D. 1409-1410.

[RED BOOK OF THE EXCHEQUER IN IRELAND, FOL. 31].

[Sta]¹tutū editū apud Dubliñ in quodam pliamento corā Thoma le Botiller [pri]¹ore hospitat šci Johis Jerlm in hibā deputato Thome de Lancastre locū teñ hibñ anno r̃ r̃ę henr quarti undecimo.

Statutu qd
[nult]
marinari [us]
aliquē labo
... exta
hanc [terram]
absque
licen[tia].

TT]¹M p^r ceo qe pluso^rs labo^rers & su^antz du dit fre sen alant de io^r en autre pties dehors pount le housbandry & gayne de mesme la fre est en poynt [d]¹estre tout destrutz & disgastes en anientissement de tout la fre, accorde [est]¹ & assentu q̃ null marys amesne ascun labourer ou su^ant desore enau^ant [out]¹re le meer en lo^r Niess batelx ou graffans saunz licence ñre f^r le Roy [des]¹outh soñ g^aunt seal

¹ Torp.

gaol, there to remain convicted of record of the said justices or one of them, or the sheriff, until they have made fine and ransoms to the King; and that all the people of the county be intentive to the said justices and every of them and to the sheriff, in going and strengthening the said justices or sheriff in arresting such evil-doers, on pain of imprisonment and of making fine to the King. And in case any such entry be made by force as aforesaid, that it be held for nought, saving at another time to the party his entry peaceably in due form, if he have right

11 HENRY IV. A.D. 1409-1410.

A Statute made at Dublin in a parliament before Thomas le Botiller, prior of the Hospital of St. John of Jerusalem in Ireland, deputy of Thomas of Lancaster, lieutenant of Ireland, in the eleventh year of the reign of King Henry the Fourth.

IKEWISE, forasmuch as many labourers and servants of Statute that the said land go daily into other parts abroad, whereby [no] mariner [convey] any the husbandry and tillage of the same land is on the point of labourer out of this [land] being altogether destroyed and wasted, to the ruin of the entire without land, It is agreed and assented that no mariner henceforward convey any labourer or servant beyond the sea in their ships, boats or barges, without licence of our lord the King

dirland sur le forfature des dões niefs batelx ou graffanez, et qy celly ou ceux qy soy sent ent greuez eiont lor accons desis le meistre possessor des does niefs batelx ou graffans & recoser ses damages a treble. Et auxint eient mesme laccon desis ladmiralx & ses deputees q donent conge as dões labourers & suantz ou eux suffrent passer outre le meer et qils & chescum de eux facent fyn & raunceoñ au Roy, & qy lez Maires baillis sosseignes seneschalt deins villes fraunchises viscountz Justices & gardeins de pees deins lor Countez enqergent de lez pointz suisditz et ceux q deuant eux ou ascune de eux soient endittes soient prises & arrestuz & lisez al pschien Gaole ñre fr le Roi a demrer sanz estre lesse a maynpice ou a baitt p les offices suisdões.

(p idē statutū.)

It est accorde « assentu q̃ nully viscout desore enauent soit fait sinon p eleccion des Coes des Countes dout lez dões viscoutes s'rout esluz « ceo de lez plus vaillantz gentz cestassaû deux ou treis de chescun baronie de mesme le Counte. Et q̃ les eliso's ne soient compellez ne destreignez p les Barons de lescheqer nre fr le Roy ou auf effic Ministre ou comissioner q̃conq de eslier ou nomer forsq vn tantsoulement en chescun Counte. Et q̃ nully viscout soit outre vn an en son office sinon qil soit eslue de nouelt come deuent est dit.

under his great seal of Ireland, upon forfeiture of the said ships, boats or barges, and that he or they who feel themselves thereby aggrieved, have their actions against the master owner of the said ships, boats or barges, and recover his damages threefold. And also have the same action against the admirals and their deputies, who give leave to the said labourers and servants, or suffer them to pass beyond the sea, and that they and every of them make fine and ransom to the King, and that the mayors, bailiffs, sovereigns and seneschals within towns [and] franchises, sheriffs, justices and wardens of the peace within their counties, make enquiry as to the points above mentioned, and that those who may be indicted before them or any of them be taken and arrested, and delivered to the nearest gaol of our lord the King, to remain without being let to mainprise or bail by the above-mentioned officers.

(By the same statute).

Item, It is agreed and assented that no sheriff henceforth be Sheriffs to be made unless by election of the communities of the counties, communities whereof the said sheriffs shall be elected, and this by the most of the sufficient men, (that is to say) two or three of each barony of the same county. And that the electors be not compelled or distrained by the Barons of the Exchequer of our lord the King or other officer, minister or commissioner whomsoever, to elect or nominate, save one only in each county. And that A sheriff to be in office only one year in his office, unless he be elected one year.

dirland sur le forfature qu' celly ou ceux qu' soy a le meistre possessor des d' ses damages a treble. ladmiralx « ses deputees l'u*ntz ou eux suffrent p de eux facent fyn « ran solleignes seneschalt dei « gardeins de pees dein suisditz et ceux q' deu*nt soient prises « arrestuz a dem*er sanz estre les suisdes.

(p idē statutū.)

It est accorde * asser fait sinon p eleccion viscoutes s'rout esluz * deux ou treis de chesc les elisors ne soient e lescheqer ne fr le Riquong de eslier ou no Counte. Et q nully sinon qil soit eslue de

11 HENRY IV. A.D. 1410.

[Ussher MS. E. 1. 41. fol. 1-4. Library, Trinity College, Dublin.]

(Collated with Ussher MS. E. 3, 10 (T.C.D.) and Cotton MS. Titus B. ix. British Museum).

A Nabridgment of such estatutes as weare establised in a Parliment houlden at Dublin before Sir Thomas Butler, prior of sainte Johns Jrim in Ireland, deputye to the lord Thomas of Lancaster, soune to ye Kinges matic Ano Regni Rege Henrici quarti xio.

[Ca. 1 Church.]¹

That holy Church Inioye theire libertyes &c. vsed since the conquest of this lande.

Ca 2 Ireland. That the Comens of this lande have their libertyes &c. vsed since the Conqueste of this lande.

Ca. 3 Dublin. That the Cittye of Dublin, and all other Cittyes and Borrowes of this lande enjoy their francheses &c.

Ca. 4 kilkeni. Confermacon [of] statutes. That the great Charter and the statutes made in tyme of the Ducke of Clarence & in the tyme of Thomas of Lancaster Lievtenante of Ireland, and all other good statutes and resonable ordinance made in the time of anie Justice or Levetenante of this land, be firmely houlden and keepte. And if anie statute or ordinance be made the which be not putt in execution or persuned heartofore, that the same be now

Ca. 5 Parliments. That Parliments shall not be adjorned or dissolved without resonable cause shewed in the Parliment, and by the advyse of the Lordes and Comens.

pclamed and putt in execution.

The Government is pleased that the forme of adiomement of Parliment shall be keept after the man of England.

Ca. 6 Coigne and liverey. The Bill requereth that no Leivetenante, Justice or Governor of this lande nor other Greate or small of what estate or condition he be, shall putt anie maner Coigñe nor liverey

¹ Obliterated.

vpone anie of the kinges leedge people, and if they doe, that they, theire favorers and Councelers be judged traytors & open Robbers of the kinge and his leedge people. And that the Justice of the kinges Bench, Justice of the Peace and whom the kinge will assigne may inquere of the offendors. And that vpone the indytment after the first capias shalbe adwarded & pces continued till they be outlayd. theire landes, tenemente, goode and chattells forfited. And y' eury of the kinges people may levie hve and cry vpon them & take them to the kinges Gayle. And if they wthstand arrest, that they be vsed as enemyes to the kinge and Robbers of the people. And that such as doe grewe the offenders in bodye or goods, shall not be therfor by any lawe, troubled or And also that non hencforth of what estate ore condition he be shall make herbiñage or life vpon anie of the kinges leedge people, without redye pay or agremt in hand, vpone pain afore limited. And that no pardoun be granted to anye offendor against this estatute whou the assent of parliment or of the kinges grainde councell. And that in the same Charter expresse mention is made of Cognies, lifes, and herbiñage aforsaid, or els the pardones as to those offences to be voyded in Law. And that everey Bishope in his dyosis may accuse and interdict (if need be) the offendors in anye the sayd articles.

The Governor is pleased yt ye statute of Kilkenye be keept & houlden in all pyntes as to the articles of coigne,1 and to the herbinage & live the statute made in tyme of Thomas of lancast, lievtenant of Ireland, at Dublin the thirde yeare of this kinge shall be houlden and keepte.

The Bill requereth that no shereife be made but by election Ca. 7 of to comens of the shire wherof they shalbe Sherefes. that of the most able & wyseste men, to say, 2 or 3 of every Baronie of the same Counties. And who is made Shereffe in any other mast, his appoyntment to be voyde. And y' at the

And For elections of shereffes.

^{&#}x27;and liverye interlined in Ussher MS. No. 2.

as for in same.

suggestion of 2 or 3 of the most able men of the same Countye, whereof the sayd Shereffes shalbe made whout election, there shalbe a write granted by the Chanceler or keeper of the kinges great scalle, de non intromittendo, to discharge the Shereffe soe made whout election. And that no shereffe shalbe in office aboue one yeare, nor within tow yeares next after. And that the Shereffes of Kildare and Carthelaghe be excepted from these Articles. That in Inquestes which shalbe befor the baronnes of the excheker to elect the Shereffes be not charged henceforth to electe, but one only for whom the will Answere.

The Governor is pleased that no Sherrife shalbe elected but one only in *anye*¹ shire, & that by election, and that he shall not be aboue one years in his office, yf he shall not be chosen of newe.

Ca. 8 Clerke of the market

The Bill requereth that an estatute made at Dublin in tyme the Lord Thomas of Lancaster in the thirde yeare of the kinge, the w estatute doth reherse an other estatute made in Englande in tyme of kinge: R:2: touchinge the office of Clarke of the market may be confermed, thone & thother. And that the Clerke of the markett shall from henceforth vse his office in pson and not by deputy. And that he shall not somon before him a hole inquest out of the small burrowes that have noe market, nor great numbers of people. the Clarke of the market shall [not] amercye anie cominatti countie, Baroni, Cittie, Borough or towne in coen, but shall Amercie only offendors, accordinge to his faulte pticulerly. And that the Amerciment shalbe further affend2 by oathe of vi. honest men of the Baronie wher the offendor dwelleth, & they shalbe extretid into the Excheker. And theire by paynes limited to the Clerke that shall offend this.

The Governor agreeth to thesse requestes.

Ca. 9 Eschetor. The Bill requereth that no officer nor Clerke of the Chancery, Excheker, or other shalbe eschetor or Clarke of the market nor

erery in Ussher MS. No. 2. So in MS. for affeered.

deputye to them; nor take other pfitt of the offices aforsaid, vpone paine of xx. li. to be payde to the kinge, and to be fringed from all offices for ever. And that no officer nor Clarke of the Chancery or Excheker shall take to farme anye Landes or tenem seased in the kinges hand &c.

The Governor wilbe advised.

The Bill requereth that against a pteccon quia p pfecturus Ca. 101 putt forthe in enye accon the playntif may all that the defendant after the date of this pteccon had tyme to take his Jorney viz. three weekes and more. And if that be found, then the defend to be putt to Answere.

The Governor is pleased y' he that such such pteccon shalbe sowen' in yo Chancerye y yo cause of his warrante comprysed is true befor that his pteccon shalbe sealed. And further yf he doe make aboode within this lande vj weekes af the date of his ptection, the ptection shalb voyde.

The Bill requereth the revocation of fres patentes granted Ca. xj. to the inhabitance of Colie in the Baronie of Dundalke for Colie in the barony of freedom from cesses & subsidye. And that they shall beare Dundalke. with the Comens of the Shire of Louthe in all thinges, as they have donne.

The Governor is pleased.

The Bill requereth that non shalbe compelled to appeare in Ca. xij. pp psonne before anie Justice or garden of peace at mustrs or For apparat market dayes but whin the shires wher they dwell or have musters. Land or tenement in other Countyes, where they dwell not, and if they be afficyed for theire non-apparance that the same shalbe voyde, and they discharged therof.

The Governor is pleased.

The Bill requereth that it may be inacted y everey liedge Ca. 13 man to the kinge, we will goe into England or else where out Lycens of absence.

4 in in Ussher MS. No. 2.

¹ The text of this chapter is in the Red Book of the Exchequer in Ireland, fol. 86.

² his in the Ussher MS. No. 2. ³ suen in MS. B. Mus. for sworn.

of this lande for lerninge the lawes of the Church of this Land, for Pilgrymadg or other wayes to psecute or attend sutes before the kinges matic or to the courte of Rome or to sie ther landes & possessions in England or Wales or for other reasonable causes whatsoever, may come into yo Chancerey in Ireland and theire make othe by himself, & other honest men yo he doth meane to depte this lande for anie the Causes aforso, & thervpon the Chanceler shall certifye this othe by writt to the Baronns of the Excheker, and that it shalbe needfull to noe pson havinge this writt to sve for further lycence of absence to the Governer of this lande. And that they shall not be impeached for their absence by anye the Kinges ministers valesse it shalbe pved yo they be absent for other cause then is befor specyfyed.

The Governor will take advise.

Ca. 14 Offices. The Bill Requereth wher false offices have bine taken by eschetors & the deputyes & by comissions of men of no sufficiency whereby Lande have bine found to be houlden of the kinge wherevnto advousons of benefyces be appendent ore appurtenante. And hearvoon the Lands seased and the advowsons pinted vnto for that. And for remedy requereth that vpon such offices henceforth noe such freehould shalbe seised, but that the offices shalbe retorned or sent into the Chauncery to be seene theire by the kinges Councell whether the office be sufficient. And yf they be found then a Scirefac to be adwarded against the Possessions of the same landes to shewe wherfor the kinge ought not to be psent, and soe the tytle to be tryed.

The Governor is pleased savinge that no Scirefac shalle awarded as the Bill requereth.

Ca. 15 Non to be arested wthout warrant. The Bill requereth that the fishalls -Shereeffs Bayliffs Sariantes & other officers, nor theire deputyes shalnot from hencforth take or areste anie man by color of there offices without shewinge sufficient warrante or warrantes, nor shall

¹ their in Ussher MS. No. 2.

take nothinge of them, but there fees dwe and taxed by the lawe. And yf anye officer doe the contrarie hearvnto y the false ptie greeved may have remedye by tras' or false impisonment.

The Governor is pleased.

The Bill requereth that non shalbe eschetor in Ireland if he Ca. 16 have not xx¹¹ in lande or rente in fee whin this lande of his Eschetor.

Owne, whout fraud or collution. And that he shall execute his office in pp parson & not by deputy and if anye be otherwayes made or doe otherwayes execute his office all that he doth to be voyde. And that anie grante made contrarie to this statute win these causes (non obstante Statute) shalbe voyde.

This bill was not Answered by the Governor.

This Bill Requereth that an estatute made at Dubline in a Ca. 17 pliment houlden befor the Lord Thomas of Lanchaster in the Eschetor. thirde yeare of this Kinge touchinge the exchetor & vsinge of his office, and another estatute rehearsed theire made in England in the tyme of Kinge E. the 3. shalbe confermed in all pyntes within this lande. Savinge that the Eschetor henceforth shall not vse his office by deputy. And that after inqueste taken befor them, they shall before there depture from the towne wherr the inqueste is taken Seale the Indenturs of the offices to the Jurers whout takinge anye thinge of them therefor. And that everey of the iiij men of the Baronies that shalbe putt in these inquestes shalbe inheritable of C' in lande or rente by the yeare at the leaste, if anye such Inheritor be whin the Baronie, ells ther shalbe putt in those inquerors iiij the best inheritors within the Baroni. And that the Eschetor shall deliver to the Sherriffes maio" &c. viij daye before the day of ther retorne. And requereth a paine against the eschetor offendinge this statute &c.

The Governor is pleased y^t the statute made before the Lord Thomas of Lancaster shalbe houlden. And yth Eschetor shall Seale the Indenturs in manor before required. And shall delift his warrantes viij dayes befor the

¹ trespas in MS. B. Mus.

returns as is requered. And of the Eschetor Sease anifreehould libertye or franches contrarie to this ordinance he shall pay x" to the kinge and xi" to the ptye greeved. Savinge y' that he may doe by his office without inquirie. The partye shall have an accon to recoul his x" &c.

Ca. 18 Seaser.

Ca. 19

repele.

rebels.

The Bill requereth that no seser shalbe made of autipossess landes tente francheses or libtes contrarie to the forme of the Great Charter. The Governor is pleased that yo Great Chartur and all

the statutes made in tyme of kinge Edwarde touchinge those articles be houlden and keept in all pyntes.

The Bill requereth that fres patente obtayned by abbotes and priors for discharge of ther benifice appropriate from contribucon to the salarie of the pctors in the pliment may be

forth contributory &c. The Governor wilbe advised.

repeted. And that the same about and Priors shalbe henc-

Ca. 20 The Bill requereth that the cessions of the kinges bench Removinge shall not be removed out of the countye wher the same be first the Kings Bench. appoynted wihin that terms without resonable cause and y' by advice of the Justices of both benches the kinge scriant of

> others of his counsell. The Governor is pleased that ye Cessions be not removed But by advise of the kinge councell win that terme.

Ca. 21 The Bill Requereth yt yf Sherref, Senesshall, Justice or For officers y succorrobbers Garden of the pease doe receve or succor anye that hath et. burned, robbed or destrowed the kinge ledge people that the

> as the principal felons of the same Burniges, Robberyes or desstructions and that the ptye greeved shall have his accon against them &c.

> same shereffe, Señ Justice or garden of the peace shalbe adjudged

The Govern is pleased that ye comen law and statute made in this behalfe be keept.

¹ repealed in Ussher MS. No. 2.

In margin of Ussher MS. No. 2 is written "[Because himself was a priour.]

The Bill Requereth that no graine shalbe taken out of this Ca. 22 land whyle the same is in the markete of this lande at xii^d the Ladinge of Graine. Bushell or aboue with lycence or in other mast vpon paine of forfecture thereof & to make fyne and ransom to the kinge.

The Governor Answereth that in tyme of souch darth of Corne whin this Realme he will take order by thadvise of the kinge Councell for ye pfit and ease of the Comens.

The Bill Requereth that y° Justices of peace in every county Ca. 23 shalbe hencforth of the most able psons dwellinge in the same peace. Countyes and not otherwayes. And that by the election of the honest men dwellinge in the shire, and if anye comission be made otherways that it be voyde & repelled by write of the Chancery at the sute of anye of the Countye that will suie for the same.

The Governor is pleased that ye Justices of peace be made of the most suffitient yt dwell wthin the shire or yt that have suffitiencye of land wthin the shire. And as to the eleccon his pleasure is yt the order heartofore vsed shalbe continued.

The Bill requereth that no Irishe man adheringe to the Ca. 24
Enemyes shalbe suffred hencforth to pase over the sea by color those that
of goinge to the scooles of Oxford Cambridge or els where, auher to
And yf anye be founde goinge out of the lande y' every' shall
lawfully arrest him and bringe him to the kinges gaile together
with the Goods vpon him and found with him. And he that
taketh him shall have halfe of the goode &c. And that no denizin.
Irisheman shall hencforth have charter of denizin vnlesse he
fynd suffitient swertye in the Chancerye before hand that he
shall never after adheare to any Irish enemye in anie mass.

The Governor is pleased as to the first article y' noe Irishe enemye shall passe the Sea vpon the paine in y' Bill without special lycence vnder the kinges greate Seale. And as to the second Article, the governor wilbe advised.

¹ man inserted here in Ussber MS, No. 2.

13 HENRY IV. A.D. 1411.

[PATENT ROLL, 13 HEN. IV., m. 7 d. ARTICLE 115.]

Breve patens de Angt pro statutis contra prouisores irrotuland. et proclamand.

ENRICUS dei gra Rex Angl & ffranc & dus hibo Carissimo fit suo Thome de lancastre locum tenenti ñro in Pra ñra hibñ ac deputato suo ibm necnon Cancellar Theš & Justič nris in eadem Pra, salim. Tenores quozdam statutos tam tempore nro que temporiba pgenitos nros quondam Regum Angl conta puisores editor vob mittim sub sigillo ñro in forma patenti Mandantes qd tenores illos tam in rotulis Cancellar nre fre flore quem in rotulis Cur nraz ibidem de vtroq Banco irrotulari ac eos in singlis Ciuitatib; Burgis a villis matoriis ac aliis locis infra fram pdam vbi magis expediens fûit a necesse ex pte ñra publice pelamari ac statuta pdca iuxta vim formam € effcm eoşdem observari € teneri. Ac omes & singulos qui conta formam statutos pacos attemptadint seu in aliquo attemptare Bsumpserint iuxta eos defiita ac iuxta formam & effcm eoşdem statutoz put ronabilif füit faciend, de tempore in tempus castigari & pun[iri]1 T. me ipo apud Westm primo die ffebruar anno r n Ptio decimo.

Patens inde et se incip.

² Nostre f^r le Roy de lassent * priere des grandes * la Cõe de soñ roialme dengle re a soñ g*unde conseilt tenuz a Westm le lundy pschn a ps le fest de seynt Mathev lappostre lan de soñ roialme dengle re xxvij™ * de ffraunce xiiij™ en amendement de soñ dit roialme * pour les leies * vsages de soñ dit roialme maintener, si ad ordenne * establie les choses suisescriptz Primement pour ceo q̃ monstre est a ñre f^r le Roy par greuouses * clamouses plaintes des g*undes * des cões au*ntditz coment plusours gentz sont * ont este t*hetz hors

Obliterated.

² Statutes of the Realm, I. 329,

13 HENRY IV. A.D. 1411.

ENRY by the grace of God, king of England and France, and Writ patent lord of Ireland, to his most dear son Thomas of Lancaster, for enrolling our lieutenant in our land of Ireland and to his deputy there, and to ing the statutes our Chancellor, Treasurer and Justices in the said land, greeting. We against Provisors. send you under our seal in patent form, the tenors of certain statutes against provisors, published as well in our time as in the time of our ancestors, formerly kings of England; commanding that you cause those tenors to be enrolled, as well in the rolls of the Chancery of our said land, as in the rolls of our courts of either bench there, and them on our behalf to be publicly proclaimed in the several cities, burghs, and market towns, and other places within the said land, where it shall be most fitting and needful; and the said statutes, according to the force, form and effect of the same, to be observed and held. And all and singular who shall make attempt or in any point presume to make attempt, contrary to the form of the said statutes, that you from time to time cause to be chastised and punished, according to their deserts and according to the form and effect of the said statutes, as ought reasonably to be done. Witness myself at Westminster, the first day of February in the thirteenth year of our reign.

Our lord the King, by the assent and prayer of the great men and the Patent thereof and thus it commons of his realm of England, at his great Council held at West- begins. minster on the Monday next after the feast of Saint Matthew the apostle, in the twenty-seventh year of his reign of England, and of France the fourteenth, for amendment of his said realm and for maintaining the laws and usages of his said realm, has thus ordained and established the things underwritten.

Firstly, because it is shewn to our lord the King by grievous and loud Subjects suing complaints of the great men and of the commons aforesaid, how that court for many men are and have been drawn out of the realm, to answer of cognisable in

du roialme a respondre des choses dont la conisaunce apptient a la Court le Roy & auxint q les juggements renduz en mesme la Court sont empeschez en autre Court en Biudice ? disheritesoñ ñre €r le Roy * de sa Corone * de tout le poeple de son dit roialme e en defaisance e anientisment de la coe leye de mesme le roialme vsee de tout temps. Sour goi en bons delibacion oue les gendes & aurs du dit counseilt assentuz est * accordez p nre fr le Roy & les gendes & coes suisditz q toutz gentez de la ligeaunce le Roy de quele condicion quils soient queux traihent nult hors du roialme en plee dont la cognisance apptient a la Court le Roy ou des choses dont inggementz sont renduz en la Court le Roy ou qui suent en aufi Court a defaire ou empescher les iuggementz renduz en la Court le Roy, eiant iour conteinant lespace de deux moys p garnissement affaire a eux en le lieu ou les possessions sont que sont en debate ou aillours ou ils affont fres ou aufs possessions p les visconts ou aufs Ministres le Roy destre deuent le Roy & son conseilt ou en la Chauncellarie ou deuant les Justices le Roy en sez places de lun Bank ou de lautre ou deuent aufs Justices le Roy qui s'ront a ceo deputeez a respondre en lour ppres psonns au Roy del contempt fait en celle ptie et sils ne veignent my a dit ior en lour ppre psonne desteier a le leye, soient ils lour pcurato¹s atto¹nez executo¹s notairs € maintenors dicelt iour en auant mys hors de la pteccion le Roy * leurs fres biens * chateux forfaitz au Roy * soient leurs corps ou quils soient trouuez prinses & emprisonnez & rentz a la voluntee le Roy, et s' ceo soit brief fait de les prendre p lour corps & de seisier lours fres biens & possessions en la maine le Roy. Et si retourne soit quils ne sont my trounez soient myses en exigende, & vtlagez. Purven toutfoitz que a quelle heure quils veignent deuant quils soient vtlagez * vuillent soy rendre a la prisone le Roy destre iustifiez p la leye & resceite ceo q la Court le Roy agardera en celle ptie. quils soient a ceo resceiuez, la forfaiture des Pres biens * chateux dem'ant en sa force sils ne se rendent deins les ditz deux moys come deuant est dit.

things, the cognisance of which belongs to the King's court, and also the King's that the judgments given in the said court are impeached in another impeaching court, to the prejudice and disherison of our lord the King and of his elsewhere its crown, and of all the people of his said realm, and in defeasance and shall have two destruction of the common law of the said realm used from all time. ing to answer Whereupon on good deliberation with the great men and others of the said Council, it is assented and agreed by our lord the King and the great men and commons aforesaid, that all men of the allegiance of the King, of whatever condition they be, who draw any [person] out of the realm in a plea, the cognisance of which belongs to the court of the King, or of those things of which judgments are given in the court of the King; or who sue in another court, to defeat or impeach the judgments given in the King's court, have a day within the space of two months, by notice to be made to them in the place where the possessions are that are in dispute, or elsewhere, where they shall have lands or other possessions, by the sheriffs or other officers of the King, to be before the King and his Council, or in the Chancery, or before the Justices of the King in their Places, of the one Bench or of the other, or before other Justices of the King, who shall be hereto appointed, to answer in their proper persons to the King of the contempt done in this behalf; and if they come not on the said day in their proper person, to stand to the law, that they, their proctors, attorneys, executors, On nonnotaries, and maintainers from that day forth be put out of the sppearance, they shall be King's protection, and their lands, goods, and chattels forfeited to outlawed for the King, and that their bodies, wherever they be found, be taken goods and imprisoned. and imprisoned and ransomed at the will of the King; and hereupon that a writ be made, to take them by their body, and to seize their lands, goods, and possessions into the hand of the King. And if it be returned that they are not found, that they be put in exigent and outlawed. Provided always that at whatever time they come, before they are outlawed, and are willing to give themselves up to the King's Appearance prison, to be justified by the law and to receive what the King's court months will shall award in this behalf, that they be thereto received, the forfeiture but not land but not land of the lands, goods, and chattels remaining in its force, if they do not or goods. give themselves up within the said two months, as is aforesaid.

their contempt.

feit lands and

Pour nurrir amour pees & concord entre seint esglise et le Roialme & faire cesser les gaunds males pils importables damages & greuances que ont este faitz & auenus en temps passe & auiendront en abs si la chose soit soeffre passer enauant p cause des psonelx citacions a auls q ount passer deuent ces heures e passent coement de jour en autre hors de la Court du Rome pmy faintes & fauxes suggestions * pposicions deceiuantz le seintisme piere le pape encontre tout pleine des psonnes du dit roialme sur cause dount la cognisance & finale discucion apptient a nre fr le Roy & a sa Court roialle & aufint & aussi des impetracions & puisions faitz en la Court de rome, des benefices e offices des esglises app^rteinantz a la donison psentacion ou disposicion nre €r le Roi e des aufs prones laies de son roialme come des esglises Chapelx & auls bnfices appropriez a Esglises Cathedralx Collegialx Abbeys Priories Chanties hospitalx & auts poures maisons & daul's dignitees & offices & bnfices ocupiez en temps passe & psente p diffses notables psonnes du dit roialme p les queux causes & dependences dicelles les bones & auncients leves, vsages, custums & fraunchises du dit roialme ont este & sont moult gaundement empeschez blemez & confunduz, la Corone nre de le Roy abeisse e sa psonne mult durement e fauxmt diffamez, les auoirs * richesse du roialme emportez les hitantz e subgiez de mesme le roialme emposez et trobles les Enfices de seint Esglise degastez e destructz diuines suices hospitalitees almoignes & aul's oeures de charite sustraes & entrelesses les gaundes coes e subgies du dit roialme en corps * biens t*uaillez * donmagez. Nostre seignour le Roy suisdit a son plement tenuz a Westm a les Oeptaues de seint hiller lan de son regne trent & oeptisme aiant regard a la quiete de son roialme le quele il desire soffainement a sustenier en tenquillitee pees & concord gouerner solone les leyes vsages & fraunchises de sa Pre & si come il est tenuz p son serement fait a sa

¹ Statutes of the Realm, I. 385.

To nourish love, peace, and concord between Holy Church and the realm, and to cause to cease the great evils, dangers, and unbearable losses and grievances that have been done and have happened in time past and will happen hereafter, if the matter be allowed to pass in the future, by reason of the personal citations and others that have passed hitherto and pass commonly from day to day out of the court of Rome by feigned and false suggestions and proposals, deceiving the most holy father the Pope, against all manner of persons of the said realm, The several upon cause, the cognisance and final discussion of which belong to our citations, and lord the King and to his royal court, and otherwise, and also [by reason] impetrations of benefices of the impetrations and provisions made in the court of Rome, of the Rome. benefices and offices of the churches appertaining to the donation, presentation or disposition of our lord the King, and of other lay patrons of his realm, as of the churches, chapels, and other benefices appropriate to cathedral and collegiate churches, abbeys, priories, chantries, hospitals, and other poor houses and of other dignities and offices and benefices occupied in time past and present by divers notable persons of the said realm; by which causes and the consequences thereof the good and ancient laws, usages, customs, and liberties of the said realm have been and are very greatly impeached, injured, and confounded, the crown of our lord the King abased, and his person very hardly and falsely defamed, the possessions and riches of the realm carried away the inhabitants and subjects of the said realm impoverished and troubled, the benefices of Holy Church wasted and destroyed, divine services, hospitalities, alms and other works of charity withdrawn and neglected, the great men, commons, and subjects of the said realm in person and goods harassed and damaged, Our lord the King aforesaid, at his parliament held at Westminster in the octaves of St. Hilary, in the thirty-eighth year of his reign, having regard to the quietness of his realm, which he wishes above all things to maintain in tranquillity, peace, and concord, to govern according to the laws, usages, and franchises of his land, and as he is bound by his oath made at his

I.

Coronacion, en aide & confort du pape qui mult souent ad este troblez p tielles semblables importunes clamours & impetracions & qui y mest voluntiers couenable remedie si sa seintitee estoit sur ces choses enforme, en passant pmye les veyes de sez nobles pgenitors les queux pr le temps lour current firent ctains bones pruoiances & ordenances encontre les auantditz greuances € piles les queux ordenances € pruoiances & aussi tous les aufs faitz en son temps & p espal en lan de son regne xxv. * xxvii. nre fr le Roy de lassent * expsse voluntee * concord des tlucs Contes Barons nobles ₹ Cões de son dit roialme ₹ toutz auls queux la chose touche p bone & mure delibacion & auysement approue accepte & conferme, Salve lestate des Prelates & aufs seignours du roialme touchant la libtee de leurs corps si q p force de cest estatut leurs corps ne soit pas pitz! aioustant a ycell ad prueu & ordonne qi tous ceux qui ont impetretz prchacez ou p'suez tielx psonelx citacions & aufs en auscun temps passe ou impetront prchaceont ou prsuont semblables en temps auenir encontre luy ou auscuny de ses subgies & aussi tous ceux qui ont impetretz ou impetront de la dce Court, deanees archidiaconees puostees ou aul's dignitees offices Chapelx ou aufs bnfies des esglises quelqonques apprtenantz a la collacion donison psentacion ou disposicion nre dit fr le Roy ou dautre patron ley de son dit roialme. aussi toutz semblables psonnes impetrators des Esglises Chapelx offices bnfices des esglises pensions ou rentz amortisez & appropriez as Esglises Cathedralx ou Collegialx Abbeies Priories Chanfies hospitalx ou auts pous maisons auant ceo q tielx appropriacions & amortizaments soient cassetz € adnullez p due pcesse, ensemblalemt oue toutz œux qui ont impetretz en mesme la Court dignitees offices hospitalx ou auls bnfices quelconques des esglises que sont occupiez au psente p title resonable p auscuns psonnes du dit roislme

¹ So in original. The English Statute Roll reads pris.

coronation, in aid and comfort of the Pope, who has been very often troubled by such like importunate demands and impetrations, and who would willingly apply a suitable remedy if His Holiness were informed upon these subjects, by following along the ways of his noble ancestors, who for their time made certain good provisions and ordinances against the aforesaid grievances and dangers, which ordinances and provisions and also all the others made in his time, and particularly in the twentyfifth and twenty-seventh years of his reign, our lord the King, by the assent and express wish and agreement of the dukes, earls, barons, nobles, and commons of his said realm, and all others whom the matter concerns, by good and mature deliberation and consultation, has approved, accepted, and confirmed; saving the estate of the prelates and other lords of the realm touching the liberty of their persons, so that by force of this statute their persons be not taken. In addition to this, Persons he has provided and ordained that all those who have obtained, purchased or sued such personal citations, and other things in any time citations or benefices from past, or shall impetrate, purchase, or sue the like in time to come against the court of him or any of his subjects, and also all those who have obtained or shall impetrate from the said court deaneries, archdeaconries, provostships, or other dignities, offices, chapels, or other benefices of churches whatsoever, belonging to the collation, donation, presentation, or disposition of our said lord the King or of any other lay patron of his said realm. And also all like persons, impetrators of the churches, chapels, offices, benefices of churches, pensions or rents amortised and appropriate to cathedral or collegiate churches, abbeys, priories, chantries, hospitals, or other poor houses, before such appropriations and amortisements be voided and annulled by due process; likewise in case of all those who have obtained in the said court dignities, offices, hospitals, or other benefices whatsoever of the churches which are at the present occupied by reasonable title by any persons of the said realm, if such impetrations

si tielx impetracions ne soient is pleinemt executz, ou impetrerout en afs semblables bnfices p quoy fliudice dommage ou empeschemt ad este ou purra estre fait en aps a luy ou a sez ditz subgitz en psonnes heritages possessions droitures ou bones quelqonges ou a les leves custumes vsages franchises * libtees de son dit roislme * de sa Corone, ensemblablement oue toutz leurs maintenors conseillours abettors & auts aidors * fautors scientmt tant a la suite le Roy come de la ptie ou daule quegong du roialme trouant plegges & seurte de prsuer encontre eaux en celle ptie, soient toutz les ditz psones diffames * suspectes violentmt de tielx impetracions greuances ou Bsuitz arestuz & prinses p les visconts des lieux Justices en leurs sessions deputees Baillifs & auts ministres le Roy & p bone * sufficeante mainpris repleuissemt baillie ou auf plegge le plus brief que faire ceo purra soient ils psentes au Rog ou a son conseilt pour y demurrer € estoier a droit € receiure ceo q la leve lour doffa et sils soient atteintz ou conuictz des auscuns des ditz choses eiant la peine compriz en lestatut fait en lan ñre fr le Roy xxv. quelt comence = Au plement sumonez a Westm &c.

Et saucuns psones diffames ou suspects des tielles impetacions psecucions greuances ou entreprinses soient ils hors du roialme où deinz * ne purront estre attachiez ne arestutz en leurs ppres psonnes & ne se psentent deuant le Roy ou son conseilt deinz les deux moys abs ceo quils soient garniz es leurs lieux saucuns enaient ou aucuns des Courtes le Roy ou en les Countees ou deuant les Justices le Roy en lours ressions ou autment sufficeantmt pr respondre au Roy * a la ptie * demurrer * esteier a la leye en ceo cas deuant le Roy & son conseilt soient puniz p made & forme comprinse en lestatut en lan xxvij me fr le Roy que comence, Nostre seignour le Roy ec. et aufment sicome uffaire semblera au Roy & a son conseilt saunz faire a ausqun deux p ñre fr le Roy auscune gece pdoñ ou remission saunz assent & volunte de la ptie que se prouera estre greue e saunz faire a luy du satisfaccion en ceo cas.

are not already fully executed, or who shall hereafter impetrate like benefices, whereby prejudice, damage, or impeachment has been or may be done hereafter to him or to his said subjects in their persons, inheritances, possessions, rights, or goods whatsoever, or to the laws, customs, usages, franchises, and liberties of his said realm and of his crown; likewise in case of all their maintainers, advisers, abettors, and other and their assistants and favourers wittingly, as well at the suit of the King as of the party, or of any other whatsoever of the realm, finding pledges and surety to sue against them in this behalf, that all the said persons defamed and greatly suspected of such impetrations, grievances, or suits be arrested and taken by the sheriffs of the places, justices in their shall be sessions, deputies, bailiffs, and other officers of the King, and by good held to bail, and sufficient mainprise, replevin, bail, or other pledge, the shortest that can be, that they be presented to the King or to his council to abide there, and to stand to right, and to receive what the law shall give and on conviction shall be them, and if they be attainted or convicted of any of the said things, punished that they have the penalty contained in the statute made in the twenty- the English fifth year of our lord the King, which begins 'at the Parliament sum- 25 Edw. III. moned at Westminster, &c.'

And if any persons defamed or suspected of such impetrations, prosecutions, grievances, or enterprises, be they without the realm or within, Suspected and cannot be attached or arrested in their proper persons, and do not appearing after warn present themselves before the King or his council within the two months to incur after they are warned in their places, if they have any, or any of the English courts of the King or in the counties, or before the justices of the King Statute.

77 Edw. III. in their sessions, or in other sufficient manner, to answer to the King and to the party, and to abide and stand to the law in this case, that they be punished before the King and his council in the manner and form contained in the statute in the twenty-seventh year of our lord the King. which begins 'Our lord the King, etc.'; and otherwise as to the King and to his council shall seem fit to be done, without grace, pardon, or remission to be shown to any of them by our lord the King, without the assent and will of the party who shall prove himself to be aggrieved. and without making to him due satisfaction in this case.

п.

Tim ordeigne est que nult autre subget de mesme le roislme gardant « sustenant ses ditz ordenaunces nencourge nulle forfaitre de vie ne de membre de l're hiritage ne des biens dess le Roy ne aule psonne quelqonq ne ne pde estat ne fauour p cause de les choses suisditz ordonnez ne luy ne sez heirs ne purront ne desont estre reprouez « diffamez ne smpeschez pour auscuns des ditz causes en auscun temps auenier. Et sauscune psonne de quele estat ou condicion qil soit p quelqonq masse qe se soit attempte ou face ausqune chose a lencontre des ditz ordonaunces ou dascuns choses comprinses deinz ycells; soit la dée psonne mesne en response en la masse come desuis est dit, et sil soit de ceo atteint ou vencu, soit mys hors de la pteccion le Roy « punie p forme de le dit estatut de lan xxvij^{me}.

Et sauscune psonne face maliciousement ou fauxemt auscune prsuit encontre psonne quelqonq du dit roialme p cause comprinses en ces Bsentz ordonnances * de ceo soit duemt atteint, soit tiel plaintif duemt puniz al ordonnance du Roy ou de son counseilt et nientmains face gree & lamendee a la ptie que este greue p sa plaint, e a fin q les ditz ordonnancez & chesqun deux pr aise quiete & bn coe soient le meulx sustenutz executz e gardez et q touz ceux que ont mesprise ou mesprendront encontre ceste ordonnance p psecucions accusacions denunciacions citacions ou presses faitz ou affairs hors du dit roialme ou dedeins ou autremt contre quelqonq, psonne du roialme, soient le plus couenablemt * pmtemt mesnes a response pour resceive droit solonc leure desert, le Roy Blatz ducs Countes Contes Barons nobles e aufes cões Clerkes & laies sont tenuz p ceste Bsente ordonance daider conforter conseiller lun & lautre & tant souuent come besoigfia e p toutz les meilleurs mafies que faire se purra de pole e de fait pour empescher tielles meffaisours e resister de fait a leur entreprinse * saunz les soeffrer habiter demurrer ne passer p leurs puissances seignorries fres iurisdiccions ne lieux * sont tenuz de garder * defendre lun *1 lautre de tous

¹ English Statute Roll reads a.

Also, it is ordained that no other subject of the said realm, keeping and maintaining these said ordinances, incur any forfeiture of life Only offenders or of limb, of land, inheritance, or of goods, against the King or any incur any for other person whatsoever, nor lose estate or favour by reason of the this ordinance. aforesaid things ordained, nor may or ought he or his heirs to be reproved, defamed, or impeached for any of the said causes in any time to come. And if any person of whatever state or condition he be, by whatever manner it may be, attempt or do anything to the contrary of the said ordinances or of any of the things contained therein, that the said person be brought to answer in the manner as is aforesaid; and if he be thereof attainted or convicted, that he be put out of the King's protection and punished by the form of the said statute of the twenty-seventh year.

And if any person maliciously or falsely make any suit against any person whatsoever of the said realm, for a cause contained in these Punishment of present ordinances, and hereof be duly attainted, that such plaintiff suc maliciously be duly punished at the ordinance of the King or of his council, and statute. nevertheless make satisfaction and amends to the party who has been aggrieved by his complaint. And to the end that the said ordinances and each of them may for ease, quietness, and common benefit be the better maintained, executed, and kept, and that all those who have offended or shall offend against this ordinance by prosecutions, accusations, denunciations, citations, or processes made or to be made, out of the said realm or within, or otherwise against any person of the realm, may be the more conveniently and speedily brought to answer, to receive right according to their desert, the King, prelates, All people to dukes, earls, barons, nobles, and others, commons, clerks, and laymen enforcing this are bound by this present ordinance to aid, support, and advise one ordinance. another, and as often as shall be needful and by all the best means that may be, of word and of deed, to impeach such wrongdoers, and to resist by deed their endeavour, and without allowing them to dwell. abide in, or pass through their dominions, lordships, lands, jurisdictions, or places; and are bound to keep and defend one another

dommages velanies & reprocues sicome ils ferrent lours ppres psonnes & pour lour fait & busoigne & p tiel mañe & aussi auent come tielx psecucions ou pcesses fuissent faitz ou attemptez encontre eaux en esoal ou en comune.

Item¹ pr ceo qauquns prchaceont en la Court de Rome puisions dauoir Abbeis « Priories en Englefre en destruccion du roialme « de seinte religion Accorduz est q chun qi prchace tiel puision del Abbeie ou Priorie q luy « sez executours « peurators qui suont « font execucion des tielx puisions soient hors de la pteccion ne fr le Roy « q home puisse faire de eux come des enemys ne dit fr le Roy « de son roialme « celluy qui face contre tielx puisours en corps ou en biens ou en aufs possessions soit excuse deus tous gentz « p tant ne soit iames empeschez ne greue a la suite de nully.

Come² iadis en plement de bone memorie E. Roy denglefre aiel nfe fr le Roy qorest lan de son regne xxxv tenuz a Cardoilt oie la peticion mys deuant le dit aiel € son conseilt en le dit plement p la Coialte de son dit roialme conteinante q come seint esglise dengletre estoit founde en lestat de Blacie deinz le Roialme denglefre p le dit aiel * ses pgenitours * Contes Barons nobles & aufs de son dit roialme & leurs auncestres pour eux * le poeple enformer de la leie dieu * pour faire hospitalitées almoignes & auls oeures de charite es lieux ou lesglises feurent founduz pr les almes des foundors lors heirs * tous xpienz * ctayns possessions tant en fees tres * rentes come en aduoesoñs de extendont a gaunde value p lez ditz foundours & furront assignez as platz & auts gentz de seinte esglise du dit roialme pour celle charge susteigner € nomemt des possessions que feuront assignez as Erceuesqes Euesqes Abbes Priours religiouses & auts gentz de seinte esglise p les Royes du dit roialme Contes Barons & auts geundes de son roialme, mesmes les Royes Countes Barons & nobles come &s

¹ Statutes of the Realm, I. 823. ² Statutes of the Realm, I. 316.

from all injuries, villainies, and reproofs as they would do their own persons, and for their deed and business, and in such manner and as far as such prosecutions or processes were made or attempted against them, in particular or in common.

Also, because some purchase in the court of Rome provisions to have Penalties for abbeys and priories in England, to the destruction of the realm and of provisions at holy religion, it is agreed that every one who purchases such provision Rome for of abbey or priory, he and his executors and proctors who sue and priories. make execution of such provisions, be out of the protection of our lord the King, and that men may do with them as with enemies of our said lord the King and of his realm, and that he who opposes such provisors in person or in goods, or in other possessions, be excused against all people, and never be impeached or aggrieved therefor at the suit of any person.

Whereas lately in the parliament of Edward King of England, of Proceedings in famous memory, grandfather of our lord the King that now is, in the (England) of thirty-fifth year of his reign, held at Carlisle, after hearing the petition ³⁵ Edw. I. put before the said grandfather and his council in the said parliament by the commonalty of his said realm, containing that whereas the holy church of England was founded in the estate of prelacy within the realm of England by the said grandfather and his ancestors, and the earls, barons, nobles, and others of his said realm and their ancestors, Origin and to instruct them and the people in the law of God and to perform hospossessions
pitalities along and other works of charity in the places where the being given to pitalities, alms, and other works of charity in the places where the being given churches were founded, for the souls of the founders, their heirs and all Christians, and certain possessions, as well in fees, lands, and rents as in advowsons, which amount to great value, were by the said founders assigned to the prelates and other men of holy church of the said realm, to sustain this charge, and especially in the case of possessions which were assigned to the archbishops, bishops, abbots, priors, religious and other men of holy church by the kings of the said realm, earls, barons, and other great men of his realm, the said kings, earls, barons,

* advowes eussent * auoir deussent la garde de tielx voidances * les fisentements * collacions des bnfices esteantz de tielx Blacies & les ditz Roys en temps passe soloient auoir la greindre ptie de leur conseilt pour la saluacion du roialme qant ils en eurent mistier des tielx βlats & clerks issint auancez; le pape de Rome accrochant a luy les fries de tielx possessions & bnfices mesmes les bnfices dona & gaunta as alienis qui vnqes ne demurreront en Englefre & as Cardinalx qui y demurrer ne purront & as aufs sibn alienis come denizins aul sicome il eust este patron ou aduowe des ditz dignitees * bnfices come il ne feust de droit solone la leve dengle re; p les queux sils feussent soeffrez, a pein dem'oit auscun bnfice en poi de temps en le dit roialme qil ne froit es mains dalieins * denizins p vertu de tielx puisions contre la bone volunte & disposicion des foundors de mesmes les bnûces € issint les eleccions des Erceuescques Euesques & aut's religiouses faudroient * les almoignes hospitalitées * auts oeures de charite queux groient faitz es ditz lieux groient sustraetz, le dit aiel € aufs laies patrons en temps de tielx voidances pderoient lours Bsentements le dit conseilt piroit & biës saunz nombre serroient emportez hors du roialme en adnullacion de lestat de seint esglise dengle?re & disheretance du dit aiel & des Contes Barons & auts nobles du dit roialme & en offense & destruccion des loies e droitures de son roialme e a geunde dommage de son poeple e en subúsion de tout lestat de son roialme suisdit « contre la bone disposicion « volunte des prims foundours ; de lassent des Contes Baroñs nobles e de toute la dite Cõialtee a leurs instances & requestes considerez les dommages & greuances suisditz, en le dit pleine parlement fuist ordonne q les ditz opβssions greuances * dommages en mesme le Roialme des adongs mes ne gront soeffretz en auscune mañe. Et ia monstre soit a nre fr le Roy en ceste psente Parlement tenuz a Westm a les Oeptaues de la Purificacion de nre dame lan de son roialme denglefre xxv * de ffrance xiime p les greuouses plaints de la toute coe de son roialme q les greuances & meschiefs suisditz saboundent de temps en temps au pluis geund dommage t

and nobles, as lords and patrons had and ought to have the guardian-

benefices belonging to such prelacies; and the said kings in time past presentations were accustomed to have the greater part of their council, for the pre- belong to the King and servation of the realm when they had need thereof, of such prelates nobles. and clerks so advanced; the Pope of Rome arrogating to himself the lordships of such possessions and benefices, gave and granted the said The Pope bestowed benebenefices to aliens who never dwelt in England, and to Cardinals floss on aliens who could not dwell there, and to others as well aliens as denizens, England. just as if he had been the patron or founder of the said dignities and benefices, as he was not of right, according to the law of England; whereby, if they were permitted, there would scarcely remain in a short time any benefice in the said realm that would not be in the hands of aliens and Inconveniences denizens, by virtue of such provisions, contrary to the good will and dispo- resulting. sition of the founders of the said benefices, and thus the elections of archbishops, bishops, and other religious [persons] would fail, and the alms, hospitalities and other works of charity which should be performed in the said places, would be withdrawn, the said grandfather and other lay patrons, in time of such vacancies, would lose their presentations, the said council would be lost, and goods without number would be carried away out of the realm, to the destruction of the estate of holy church of England, and disherison of the said grandfather and of the earls, barons, and other nobles of the said realm, and in opposition to and destruction of the laws and rights of his realm, and to the great injury of his people, and in subversion of all the estate of his realm aforesaid, and contrary to the good disposition and will of the first founders. With the assent of the earls, barons, nobles and of all the said commonalty, at their instances and requests, the injuries and grievances aforesaid having been considered, in the said full parliament, it was ordained Provision that the said oppressions, grievances, and injuries in the said realm against such in parliament, from henceforth should not be suffered in any manner. be it shown to our lord the King in this present parliament held at Westminster in the octaves of the Purification of our Lady, in the 25th year of his reign of England, and the twelfth of France, by the grievous complaints of all the commonalty of his realm, that the grievances and mischiefs aforesaid do from time to time abound to the very great injury

ship of such vacancies, and the presentations and collations of the Vacancies and

And now (England)

destruccion de tout son roialme plus q unque ne fuerent deunt. cestassauoir que de nouelt ne seint piere le pape p peurement des Clerks & aulment ad reserue & reserue de iour en autre a sa collacion gestalment & spalment sibien Erceueschies Eueschies Abbeis & Priouries come tous auts dignitees & auts bnfices en Engleire, queux sont de la vouerie des gentz de seint esglise * les doun auxi ben as alienis come as denizins & Bnt de tous tielx bnfices les prims fruitz & auls plusors pfitz & gende ptie de Tresore du roialme si est emporte & despenduz hors du roialme p les prchaceours des tielx gaces & aussi p tielle resuacion priues plusours Clerks auancez en ceste roialme p lours Praies patrons quunt tenuz lours auancements paisiblement p long temps sont sodaignemt oustez. Sur quoy le dit coe ad prie nre fr le Roy q de sicome le droite de la Corore dengletre & la leye du dit roialme sont tielx q sur meschiefs € dommages que si aueignont a son roialme il doit € est tenuz p son serement del accord de son dit poeple en son parlement ent faire remedie & leve en oustand les meschiefs & dommages gensy veignent à luy plaise de ceo ordonner remedie. seignour le Roy veiant les meschiefs « dommages suisnomes * aiont regarde au dit estatut fait en temps de son dit Aiel * a les causes contenuz en ycelles le quelt estatut tient tous iours sa force & ne fuist vnges defait ne adnully en nult point e p tant il est tenuz p son sement de le faire garder come la leye de son roialme coment q p negligence & soeffrance ad este depuis attempte a contarie e aussi eiant regarde a les greueuses complaints a luy faites p son poeple es ses diffses plementz ces enariere tenuz; vuillant les gaundes damages & meschiefs queux sont aueignuz & aueinont de iour en autre a lesglise denglefre p la de cause ent remedie ordonner, p assent de toutz les gandes & la Coialte de son dit roialme al honor de dieu & pfit de la dite esglise dengletre * de tout son roialme, ad ordonne * establie q les faunkes eleccions dercheueschies Eueschies toutes aufs dignitees & benefices electives en Englefre se tiegnent desore en masse come ils feuront geuntez p les pgenitours nre dit & le Roy & p les auncestres daul's & s

and destruction of all his realm, more than ever were before, to wit, that now of late our holy father the Pope by procuring of clerks and other- The Pope wise, has reserved and does from day to day reserve to his collation benefices and generally and specially, as well archbishoprics, bishoprics, abbeys, and reserves the First Fruits to priories, as all other dignities and other benefices in England, which are himself. of the patronage of men of holy church, and gives them as well to aliens as to denizens, and takes from all such benefices the First Fruits, and many other profits; and a great part of the treasure of the realm is thus carried away and expended out of the realm by the purchasers of such graces; and further by such reservation, many of our own clerks advanced in this realm by their true patrons, who have held their advancements for a long time in peace, are suddenly put out. Whereupon the said commonalty has prayed our lord the King that since the right of the crown of England and the law of the said realm are such, that upon the mischiefs and injuries that so happen to his realm he ought and is bound by his oath, with the consent of his said people in his parliament, to make thereof remedy and law by removing the mischiefs and injuries that thus happen, it may please him to ordain a remedy hereof.

Our lord the King, seeing the mischiefs and injuries aforementioned, The causes and reasons and having regard to the said statute made in the time of his said grand- of making this father, and to the causes contained in the same, which statute always keeps its force and was never repealed or annulled in any point, and in as much as he is bound by his oath to cause it to be observed as the law of his realm, although by negligence and sufferance it has been since then attempted to the contrary, and also having regard to the grievous complaints made to him by his people in his several parliaments heretofore held, willing to ordain remedy for the great injuries and mischiefs which have happened and do happen from day to day to the church of England by the said cause, by the assent of all the great men and the commonalty of his said realm, to the honour of God and profit of the said church of England and of all his realm, has ordained and established church of England and of all his realm, has ordained and covarianced that the free elections to archbishoprics, bishoprics, and all other dig bishoprics and nities and benefices elective in England be held henceforth in the manner other dignities to be free. as they were granted by the progenitors of our said lord the King, and

foundes & q tous platz & auts gentz de seint esglise quant aduowesons des quelesques bnfices des douns fire & le Roy * de ses prenitors * daul's fra * donors pr faire divines suices * auts chargez ent ordonnez, eient lor collacions & Bsentements faunchemt en mafie come ils estoient feoffez p leurs dono's; et en cas q dauscune Erceueschie Eueschie dignitee ou autre que on on puision fait p la Courte de Rome en destourbance des eleccions collacions ou Bsentacions suisnomes qui mesme le temps de voidance q tieix reservacions collacions ou puisions deussent Bndre effect, q a mesme le voidance ñre ∉r le Roy * ses heires eient * enioien: pr celt temps les collacions as Erceueschies Eneschies * auts dignitees electives queux sont de sa vourie ou tielx come sez pgenitors auoient auant q frank eleccion fuist gauntee de sicome les eleccions feuront primes gauntees p les pgenitors le Roy s' ctaine forme & condicion come a demander de Roy congie deslire * puis aps la eleccion dauoir son assent roial e nemye en autre masse; les quelles condicions nient gardez la chose doit p reson resortier a sa primer natre et q si dascune maison de religion de aduoweson le Roy soit tiele reservacion puision ou collacion faite en destourbance de frank eleccion, eit nre dr le Roy * ses heires a celt foitz la collacion a doner celle dignitee a psone couenable, et en cas q collacion reseruacion ou puision soit fait a la Courte de Rome de nulle esglise puendre ou auts bnfices que sont de la vourie des gentz de seinte esglise dont le Roy est aduowe pamont inmediate q a mesme le temps de voidance a quelle temps la reservacion collacion ou puision deussent padre effect come desuis est dit, q̃ le Roy * sez heirs de ceo eient le βsentemt ou collacion a cell foitz & issint de temps en temps a toutz les foitz q tielx gentz de seint esglise front desturbez de leur fisent ou collacions p tielx reservacions collacions ou puisions come desuis est dit, Salue a eux la droit de leurs aduoesons & leurs Bsentements quant nulle collacion ou puision en la Cort de Rome ent ne soit faite ou q les ditz gentz de seinte esglise eussent ou vuillent as mesmes les bnfices psenter ou collacion faire & leurs psentees

founded by the ancestors of other lords, and that all prelates and other men of holy church who have advowsons of any benefices, of the gifts of our lord the King and of his progenitors, and other lords and donors, to perform divine services and other charges thereof ordained, have their Collations and collations and presentations freely in the manner as they were enfeoffed free. by their donors. And in case that reservation, collation, or provision of any archbishopric, bishopric, dignity, or other benefice whatsoever be made by the court of Rome in disturbance of the elections, collations, or presentations aforementioned, at the same time of the vacancy when such reservations, collations, or provisions should take effect, that at the said vacancy, our lord the King and his heirs have and enjoy Where the for that time the collations to the archbishoprics, bishoprics, and other provision to a dignities elective, which are of his patronage, or such as his ancestors dignity, the King shall had, before free election was granted, seeing that elections were first present. granted by the progenitors of the King upon a certain form and condition, as to ask licence to elect from the King, and then after the election to have his royal assent and not in any other manner; which conditions not being observed, the matter ought reasonably to revert to its first nature. And if [in the case] of any house of religion in the King's patron- So in case age there be made such reservation, provision, or collation in disturbance Religious of free election, that our lord the King and his heirs have the collation Houses, or to benefices of the on that occasion, to give that dignity to a suitable person. And in case advowson of the clergy. that collation, reservation, or provision be made at the Court of Rome of any church, prebend, or other benefices that are in the patronage of men of holy church, of whom the King is paramount immediate patron, at the same time of the vacancy when the reservation, collation, or provision ought to take effect as is aforesaid, that the King and his heirs have the presentation or collation thereof on that occasion; and so from time to time on all occasions that such men of holy church shall be disturbed in their presentations or collations by such reservations. collations, or provisions, as is aforesaid; saving to them the right of their Saving when advowsons and their presentations when no collation or provision be or the parties made thereof in the Court of Rome, or when the said men of holy church themselves present. have [presented] or are willing to present or make collation to the said benefices, and their presentees may enjoy the effect of their collations

puissent leffect de lors collacions ou Bsentements enioier en mesme le masse eit chun autro de quelt condicion quil soit les psentements ou collacions a les maisons de religion queux sont de sa vouerie e as bnfices de seint esglise queux sont app^rtenantz as mesmes les maisons et si tielx aduowes ne Beentent point as tielx bnfices deins le di an abs tielx voidances ne leuesq de lieu ne les doun p laps de temps deins vn moys aß le di an q adonges le Roy ent eit les Bsentements e collacions come il ad daul's de sa vowerie de mesme, et en cas à les psentees le Roy ou les psentees daufs patrones de seinte esglise ou de les lours aduowes ou ceux as queux le Roy ou tiellex patrons ou aduowes suisditz affont donez Enfices apprtenantz a leurs psentements ou collacions soient desturbetz p tielx puisours issint qils ne puissent auoir possession de tielx bnfices p vtu des Bsentements ou collacions issint a eux faitz ou qi ceux qui sont en possession de tielx bnfices soient empeschez sour lours ditz possessions p les Buisours adongs soient les dites fluisours lours pourators executors & Notairs attachiez p lours corps & mesnes en response & sils soient conuictz demoergent en prisone saunz estre lesse a mainpris en l baille ou aufment delivez tanq ils eient fait fyne * redempcion au Roy a sa volunte e gree a la ptie qe sentra soi greue e nientmains auant quis soient deliffez facent plaine renunciacion e troeuent sufficeante seurtee qils nattemptent tielx choses en temps auenier ne nulle peesse sueront p eaux ne paufs des nully en la dce Cort de Rome ne nulle part aillours pr nulles tielx emprisonementz ou renunciacions ne nulle autr chose dependante deux et en cas q tielx puisors pcurators executors & Notairs ne soient trouez à lexigend courge dells eux p due peesse & q briefs issent de Budre leur corps es quelles pties gils soient trouez aussi bien a la suite le Roy come a la suite la ptie & q en le mesne temps le Roy eit les pfitz des tielx bnfices issint ocupiez p tielx puisors

[!] English Statute Roll reads "ou."

or presentations. And in the same manner that every other lord, of whatever condition he be, have the presentations or collations to the houses of religion which are of his patronage, and to the benefices of holy church which are appurtenant to the said houses; and if such Presentation patrons do not present to such benefices within the half year after such and on their vacancies, and the bishop of the place does not give them by lapse of default, by the King. time within a month after the half year, that then the King have the presentations and collations thereof, as he has of others of his own patronage. And in case that the presentees of the King or the presentees of other patrons of holy church or of their advowees, or those to whom The penalty the King or such patrons or advowees aforesaid shall have given bene-by provisors. fices appurtenant to their presentations or collations, be disturbed by such provisors, so that they cannot have possession of such benefices by virtue of the presentations or collations so made to them, or [in case] that they who are in possession of such benefices are impeached upon their said possessions by the provisors, that then the said provisors, their proctors, executors, and notaries be attached by their bodies and brought to answer, and if they be convicted, that they remain in prison Imprisonment without being let to mainprise [or] bail or being otherwise delivered on conviction. until they have made fine and ransom to the King at his will, and satisfaction to the party who shall feel himself aggrieved; and nevertheless before they are delivered, that they make full renunciation and find Renunciation, sufficient surety that they will not attempt such things in time to come, nor sue any process by themselves or others against anyone in the said attempts. court of Rome or any where else, for any such imprisonments or renunciations or any other thing connected therewith.

And in case that such provisors, proctors, executors, and notaries Process of are not found, that exigent run against them by due process, and that outlawry. writs issue to take their bodies, in whatever parts they be found, as well at the suit of the King as at the suit of the party; and in the meantime that the King have the profits of such benefices so occupied by

forsprises Abheis Priories & aufs maisons quunt colleges ou Couvent, & en tielx maisons eient les Colleges & Couvents les pfitz sauuent tout foitz a nre fr le Roy & as auts frs leur auncien droit et eit ceste estatut lieu aussibn des reseruacions collacions & puisions faitz & gauntez en temps passe deus tous ceulx qi ne sont vnqore adeptez corporele possession des bnfices a eux gauntez p mesmes les reservacions collacions ? puisions come deds toutz auls en temps aueigner * doit ceste estatut tenir lieu comenceant a les Oeptaues auant ditz. Item 1 Come le noble Roy Edward aiel nre fr le Roy qurest a son parlement tenuz a Westm a les oeptaues de la purificacion de nre dame, lane de son regne xxv fist reciter lestatut fait s Cardoilt en temps son aiel le Roy E. fitz au Roy H. touchant lestat de seint esglise dengt, le dit aiel nre fr le Roy qorest de lassent des gaundes de son roialme en mesme le plement tenu le dit An xxv esteant, al hon' de dieu & scint esglise & de tout son roialme ordinast e establist û frankes eleccions des Erceueschies Eueschies * tous aufs dignitees * 5nefices electives en Engle?re se tiendrent delors en mañe come ils feuront gaunteer p ses pgenitours & p les auncestres des auls frs foundors & tous platz & aul's gentz de seinte esglise qi auoient aduoesors des quellesconges bnfices de doun le Roy ou de sez pgenito's ou dan's fra & dono's cussent fraunchement leurs collacions & Bsentements & sur ceo ctaine punissement estoit ordonne en mesme lestatut q³ ceulx qui acceptent auscune dignitee on bnfice au conterie du dit estatut fait a Westm le dit an xxv come deuant est dit, le quelt estatut nre fr le Roy ad fait reciter en ceste psente plement a la requeste de sa coe en mesme le plement de mot en mot.

Et 8 outre ceo nre dit & le Roy gorest de lassent des gaundes de son roialme esteauntz en ceste psente plement ad

¹ Statutes of the Realm, II., 69.

English Statute Roll reads pur.
Statutes of the Realm, II., 78.

such provisors, except abbeys, priories, and other houses which have The King shall colleges or convent, and in such houses that the colleges and convents diste profits. have the profits, saving always to our lord the King and to the other lords their ancient right. And that this statute have place, as well of the reservations, collations, and provisions made and granted in time past against all those who have not yet obtained corporal possession of the benefices granted to them by the said reservations, collations, and provisions, as against all others in time to come; and this statute Commence ought to hold place, beginning at the octaves aforesaid.

ment of this

Also whereas the noble King Edward, grandiatiner of our lord who English King that now is, at his parliament held at Westminster in the octaves Statute 25 Edw.

III., No. 4, con-Also whereas the noble King Edward, grandfather of our lord the Effect of the of the Purification of our Lady, in the twenty-fifth year of his reign, in caused to be recited the statute made at Carlisle in the time of his grand. visors recited. father, the King Edward, son to King Henry, touching the estate of holy church of England; the said grandfather of our lord the King that now is, with the assent of the great men of his realm present in the said parliament, held in the said twenty-fifth year, to the honour of God and holy church and of all his realm, ordained and established that free elections to archbishoprics, bishoprics, and all other dignities and benefices elective in England be held thenceforth in the manner as they were granted by his progenitors and by the ancestors of the other lords founders, and [that] all prelates and other men of holy church who had advowsons of any benefices, of the gift of the King or of his progenitors or of other lords and donors, should freely have their collations and presentations. And thereupon a certain punishment was ordained in the said statute for those who accept any dignity or benefice contrary to the said statute made at Westminster in the said twenty-fifth year, as is aforesaid. Which statute our lord the King has caused to be recited in this present parliament, at the request of his commons in the said parliament word by word.

And furthermore our said lord the King that now is, with the assent of For all benefithe great men of his realm, being in this present parliament, has ordained ces void after a

ordonne e establie q de toutz Erceueschies Eueschies e aufs dignitees & bnfices electives & auts bnfices de seinte esglise qeqonqes qe comencerent destre voidez de fait le xxix ior de Januer lan de regne îre dit fr le Roy Richard fezime ou puis ou que se voideront en temps aueigner deins le Roialme denglefre le dit estatut fait le dit an xxv soit fermemt tenuz pr toutz iours * mys en due execucion de temps en temps en toutz pointz, Et sauscun face auscune acceptacion dascun bnfice de seinte esglise au conterie dicest estatut « ceo duemt procue » soit depardela demoerge exily & banny hors du roialme pour tous iours * sez l'res tentz biens * chateux forfaitz au Roy et sil soit deins le roialme, soit auxint exile & banny come deuent est dit & encourge mesme la forfaiture & pigne son chymyn issint qil soit hors du roialme deins sys semaignes pechn abs tielle acceptacion et sauscun recept auscun tielt banny veignant dep de la ou esteant deins le roialme aps les sys semaignes aauntditz conusteant de ceo, soit auxint exilie * banny * encourge tielle forfaiture come deuant est dit et q leurs pcurators Notairs executors & sumonors eient la peine & forsfaitre suisdces, Purveu nepraant q tous ceulx as queux nre seint piere le pape ou ses Bdecessors ont prueue ascune Erceueschie Eueschie ou aufr dignitee ou Enfice electives ou aul's bnfices de seint esglise del patronage des gentz de seinte esglise a cause de voidance deuant le dit xxix iour de Januer e ent feurent en corporele possession deuent mesme le xxixe ior eient & eniocent leurs ditz Erceueschies Eueschies dignitees & bnfices peisiblement por leur vies nient contresteantz les estatutz & ordonnances asuntdces. Et si le Roy enuoie p tre ou en aute mane a la Cort de Rome a lexcitacion dascune psonne ou sascune aufe enuoie ou prie a mesme la Court p ont à la contraie diceste estatut soit fait touchant auscune Erceueschie Eueschie dignitee ou autre bnfice de seinte esglise deins le dit roialme, si celly qi face tielle excitacion ou tielle prier soit flat de seinte esglise paie a le Roy le value de sez tempaltees dun an et sil soit & temporel paie au Roi le value de sez fres € possessions nient moebles dun an, et sil

and established, that as regards all archbishoprics, bishoprics, and other certain day, the dignities and benefices elective, and other benefices of holy church Statute (25 whatsoever, that began to be vacant on the 29th day of January in the No. 4) of thirteenth year of the reign of our said lord the King Richard, or there-provisors shall be put in after, or which shall become vacant in time to come within the realm of execution. England, the said statute made in the said twenty-fifth year be always strictly kept, and put into due execution from time to time in all points. And if anyone accept any benefice of holy church contrary to this statute, If any accept and it be duly proved and he be beyond the sea, that he remain exiled contrary to and banished out of the realm for ever, and that his lands, tenements, he shall be goods, and chattels be forfeited to the King, and if he be within the realm, realm. that he also be exiled and banished, as is aforesaid, and incur the said forfeiture, and take his way so that he be out of the realm within six weeks next after such acceptance. And if any one receive any such banished person coming from beyond the sea or being within the realm after the six weeks aforesaid, knowing thereof, that he also be exiled and banished and incur such forfeiture as is aforesaid; and that their Punishment of proctors, notaries, executors, and summoners have the penalty and proctors, forfeiture aforesaid. Provided nevertheless that all those to whom our holy father the Pope or his predecessors have provided any archbishopric, Beneficed bishopric, or other dignity or benefice elective, or other benefices of holy whom the Pope church of the patronage of the men of holy church, by reason of a vacancy given dignities before the said 29th day of January, and [who] were in corporal possession excepted. thereof before the said 29th day, have and enjoy their said archbishoprics. bishoprics, dignities, and benefices peaceably for their lives, notwithstanding the statutes and ordinances aforesaid. And if the King send by letter or in other manner to the court of Rome at the instigation of suing to the any person, or if any other send or make prayer to the said Court of Rome to infringe the whereby anything is done contrary to this statute touching any arch-purport of this bishopric, bishopric, dignity, or other benefice of holy church within the said realm, if he who so instigates or makes such prayer be a prelate of holy church, that he pay to the King the value of his temporalities of one year, and if he be a temporal lord that he pay to the King the value of his lands and immovable possessions of one year, and if he be another

of offenders.

soit aute psone destat plus baas paie a Roi le value del Enfice pur quele tielle priere soit fait & eit la prisone dun an. lentencion dicest estatut à de tous dignitees a bnfices de seinte esglise que estoient voidez de fait le dit xxixe iour de Januer queux sont doniez ou as queulx soit prueu p lappostilt deuent mesme le xxixe iour de Januer û ceulx as queux tielx douns ou puisions soient faitz peussent franchemt de tielx dons ou puisions suer execucion saunz offense dicest estatut purueu tous foitz à de nulle dignitee ou bnfice gestoit plaine le dit xxixº iour de Januer nult a cause dascun doun cellacion reservacion ou puision ou daufe gace de lappostoilt qequaq nient execute deuant le dit xxixe iour de Januer ne sue ent execucion sur les peines contenuz en cest psent estatut. ordonnez est & establie q sascun port ou enuoie deinz le roialme ou le poair nre dit fr le Roy nre dit fr le Roy ascuns somonsons sentences ou excomengements dess ascune psone de quelle condicion gil soit a cause de la mocion faisant assent ou execucion du dit estatut des puisours, soit il pris & arestuz & mys en prisone & forface toutz sez fres & tentz biens & chateux por toutz iours & outre encourge la peine de vie & de membre. Et sascun Blat face execucion de tielx somons sentences ou excomengements q sez temporaltees soient prinses & demoergent es mains ñre dit fr le Roy tanq due redresse € correccion ent soit faite et sauscune psone de meindre estate à plat de quelt condicion qil soit face tielle execucion soit pris € arestuz € mys en prisone € eit lemprisonement € face fyn € raunceoñ solonc la discrecion du conseilt nre dit fr le Roy.

Item² ordonnez est * establie q si ascun puision soit fait p nre seint piere le Pape au auscune psone de religion ou aufe psone queqonq destre exempte dobedience reguler ou dobedience ordinarie ou dauoir ascune office ppetuelt deinz measons de religion ou a tant come vn regulere psone religiouse ou deux

<sup>Words repeated in MS.
Statutes of the Realm, II., 121.</sup>

person of a lower estate that he pay to the King the value of the benefice for which such prayer be made, and be imprisoned for one year. it is the intention of this statute that [in the case] of all dignities and benefices of holy church which were vacant on the said 29th day of Saving as to benefices void January, which are given or to which provision is made by the Pope on but collated before the day before the said 29th day of January, that they to whom such gifts or n provisions be made may freely sue execution of such gifts or provisions without offending against this statute, provided always that [in the case] of any dignity or benefice which was full on the said 29th day of January, none by reason of any gift, collation, reservation, or provision, or of other grace of the Pope whatsoever, not executed before the said 29th day of January sue execution thereof, upon the penalties contained in this present statute.

Also it is ordained and established that if anyone bring or send into Penalty for the realm or jurisdiction of our said lord the King any summons, sen-bringing summons or excommunications against any person of whatsoever condition munication he be, by reason of the motion, making assent or execution of the said against any for enforcing statute of Provisors, that he be taken and arrested and put in prison, the Statute of Provisors. and forfeit all his lands and tenements, goods, and chattels for ever, and further incur the penalty of life and of limb. And if any prelate make execution of such summons, sentences, or excommunications, that his temporalities be taken and remain in the hands of our said lord the King until due redress and correction be made thereof. And if any person of less estate than a prelate, of whatsoever condition he be, make such execution, that he be taken and arrested and put in prison, and remain in prison and make fine and ransom, according to the discretion of the council of our said lord the King.

Also it is ordained and established that if any provision be made Statute of by our holy father the Pope to any person of religion or any other person 13 Ric, II, [c. 2 whatsoever, to be exempt from obedience regular or from obedience and 3 tended. ordinary, or to have any office perpetual within houses of religion or as much as one regular religious person or two or more have therein, if such

ou plusors ont en ycelles q si tielx puisours desore enaunt acceptent ou enioient ascune tiell puision quils encorgent les peins comprinses en lestatut des puisours fait lan fizime le Roy Richard scde.

Item¹ pr eschuez plusours discensions discordes € debates * diffses au's meschiefs vaisemblables a sourdier * auenir s cause des plusours puisions faites & affaires p lappostoilf & ausi a cause des licences s' ceo gauntez p le Roi nre sollain f' ordonnez est e establiez à nult tielt licence ou pdon ausi gauntez deuant ces heures ne a gauntier en temps auenir ne soit vaillable a ascune bnfice plein dascun encombent a ior de le date de tielle licence ou pdon geuntee.

Item 2 Nre dit &r le Roy considerant coment en diffses mañes la monoie de son roialme dengt est tahez hors dycelt a la Court de Rome en eschaunge p puisors pr puisions prchacer de lappostoilf & trustacions des Erceueschies & Eucschies a gaund enpodissement de son dit Roialme ad ordonnez & establiez p lassent suisdit q tous les estatutz e ordonnances faites encontre puisours t'nalacions des Erceueschies & Eucschies lours executors pcurators Notairs fautors maintenors € receptors sibn en le temps fr E. nadgairs Roy dengt & en temps fr Richard darrein Roy dengt come en temps nre dit fr le Roy qorest oue tous les peins & addicions a ycelx soient desore enauent fermemt tenuz e gardez en toutz pointz, la moderacion des estatutz au*ntditz a ñre dit fr le Roy au*nt ces heures faite noñ obstant, et à toutz les eleccions des toutz Erceueschies Eueschies Abbeis Priories deances ou auts dignitees electives aconques soient desore enauent frankes saunz estre en nult masse desturbez, p lappostoilt auantdit ou p mandemt de ñre dit ∉r le Roy. Purveu toutfoitz à nre dit &r le Roy eit aussi funchemt sees libtee e progatif come ascune de ses nobles pgenitors ad eu deuent ces heures ou come luy

¹ Statutes of the Realm, II., 153. ² Statutes of the Realm, II., 161.

provisors from henceforth accept or enjoy any such provision, that they incur the penalties contained in the statute of Provisors made in the 13th year of King Richard the Second.

Also, to avoid many dissensions, discords, and debates and divers No licence or pardon shall be other mischiefs likely to arise and happen by reason of the many progranted on visions made and to be made by the Pope, and also by reason of the full benefica licences thereupon granted by the King our sovereign lord, it is ordained and established that no such licence or pardon so granted hitherto or to be granted in time to come, be valid for any benefice, full of any incumbent, on the day of the date of the granting of such licence or pardon.

Also, our said lord the King, considering how in divers manners the Statutes money of his realm of England is drawn out of the same to the court of visors Rome, in exchange by provisors for purchasing provisions from the Pope. confirmed. and translations of archbishoprics and bishoprics, to the great impoverishment of his said realm, has ordained and established, with the assent aforesaid, that all the statutes and ordinances made against provisors, translations of archbishoprics and bishoprics, their executors, proctors, notaries, favourers, maintainers, and receivers, as well in the time of the lord Edward, lately King of England, and in the time of the lord Richard, last King of England, as in the time of our said lord the King that now is, with all the penalties and additions thereto, henceforth for the future be strictly kept and observed in all points, the moderation of the statutes aforesaid heretofore made to our said lord the King notwithstanding; and that all the elections to all the archbishoprics, Elections to bishoprics, abbeys, priories, deaneries, or other dignities elective what motions shall soever be henceforth for the future free, without being in any manner disturbed by the Pope aforesaid, or by command of our said lord the King. Provided always that our said lord the King have his liberty and prerogative as freely as any of his noble progenitors has had hitherto,

mesmes ad eu a ceste temps de faisance dyceste estatut. Et outre ces mesme ñre fr le Roy ad pdone « pdone a tous yœux quunt prchacez puisions ou tenslacions des Erceueschies ou Eueschies prchacez « executz ou nient executz deuent yœst primer iour de Decembr « tous leurs pcuratours notairs fautors « executors tous mafies des fispasses contempts forfaitures » mesprisions p eaux ou ascune deux faitz entor la dite prchace ensy qils purront enafis leure gece mettre en execucion sibn p euax mesmes come p lours pcuratours « executors auentditz.

Or as he himself has had at this time of making this statute. And saving the further our said lord the King has pardoned and pardons all those prerogative. who have purchased provisions or translations of archbishoprics or The King's bishoprics, purchased and executed or not executed before this first pardon to purchasers of day of December, and all their proctors, notaries, favourers, and executors, for all manners of transgressions, contempts, forfeitures, and misprisions, by them or any of them done, concerning the said purchase, so that they may hereafter put their grace in execution, as well by themselves as by their proctors and executors aforesaid.

1 HENRY V. A.D. 1413.

STATUTES OF A PARLIAMENT AT WESTMINSTER, CAP. VIII.1

Irishmen and Irish clerks beggars to depart out of England.

Item, for quiet and peace within the realm of England, and for the increase and stocking of the land of Ireland, it is ordained in this present parliament that all Irishmen and Irish begging clerks, called chamberdeakyns, be sent out of the realm between the feast of St. Michael next to come and the feast of All Saints next following, on pain of losing their goods and being imprisoned at the will of the King; except those who are graduates in the schools, and serjeants and apprentices

Exceptions.

Trishmen

having bene fices, &c., in Ireland to dwell there.

persons professed; and except also merchants born in Ireland of good report, and their apprentices at present dwelling in England, and those whom the King will dispense. And that all those Irishmen who have benefices or offices in the land of Ireland, dwell on their benefices and offices, on pain of losing and forfeiting the profits of their benefices and offices, for the defence of the land of Ireland aforesaid.

of the law, and those who have inherited in England, and religious

4 HENRY V. A.D. 1416.

STATUTES OF A PARLIAMENT AT WESTMINSTER, CAP. VI.2

[" An Act against spirituall men of mere Irishe Birthe."—Carew MS., No. 617, p. 197].

Recital of Irish

Item, whereas it was ordained in the time of the progenitors of our Statute against Irishmen being lord the King by statute made in the land of Ireland, that none of the prelates &c., in Irish nation should be chosen by election as archbishop, bishop, abbot, prior, or in any manner received or accepted to any dignity or benefice within the said land; and although several such Irishmen, by force of

The text, taken from Statute Roll (Engl.) III. m. 8, is printed in Statutes of the Realm, II., p. 173.
 The text, taken from Statute Roll (Engl.) III. m. 3, is printed in Statutes of the Realm, II., 197.

certain letters of licence to them made by the King's lieutenants there, to accept and receive such dignities and benefices, be promoted and adwanced to archbishoprics and bishoprics within the said land, the which make also their collations to Irish clerks of the dignities and benefices there, contrary to the form and effect of the said statute. And whereas they are called peers of Parliament in the said land, they bring with them to the Parliaments and Councils held there. Irish servants, whereby the secrets of the English in the said land have been and are daily discovered to the Irish people, rebels to the King, to the great peril and mischief of the loyal lieges of the King in the said land; our said lord the King, desiring to provide remedy for the same, for the security of his loyal subjects, with the assent of the lords aforesaid, and at the request of the said Commons, wills and grants, that the said statute Same stand in its entire force, and that it be well and duly kept, and fully executed, on his grievous indignation. And moreover, he has ordained and established, by the assent and request aforesaid, that if any such Native Irish archbishops, bishops, abbots, or priors of the Irish nation, rebels to the presented to King, make henceforward or have aforetime made, collations or pre-benefices, or King, make henceforward or have aforetime made, collations or pre-benences, corrections of pro-brought as sentations to benefices of Holy Church in the said land of Ireland, servants to contrary to the form of the said statute, or bring with them, among the English there, to Parliaments, Councils, or other assemblies within the said land, any Irish, rebels to the King, to become acquainted with the secrets and state of the said English, and to discover them to the rebels, that then straightway, from time to time, all their temporalities be seized into the King's hands, to remain in the same, until they have made sufficient fines to the King in that behalf. And also that all the lieutenants of the King and of his heirs in the said land of Ireland Licences to the be altogether forbidden and restrained from having henceforth any forbidden. manner of power to give or grant any such licences or pardons in this case, to Irish parsons, not English. And that all such licences, not executed, made and granted by the King's lieutenants in the said land heretofore, and also to be granted by them hereafter, be void and of no

force or value.

confirmed.

9 HENRY V. A.D. 1421.

[PATENT ROLL, 9 HENRY V., ARTICLE No. 109 d.]

Nunciatus cõis t⁹re Hibernie Regi in Angt

TOSTRE is excellent a is soften fr liege Ceux sount kz poyntes & lez articles des queux vos poliez humbles dominonostro lieges de Fre fre dirland deuent vre ts finnble Cousyne James le Botiler Count de Ormond vostre lieutenent de mesme vre fre aules d'es espiritueles & temporeles et voz Coes en vre parlement darreynement tenuz a Fre Citee dynelyne ount faitz soy greuousement compleynantz et pur graciouse remedie ent solunc vre la sage e la benigne grace au pr les quellez articles declarer a vre hautesse de lassent des dœs fres € de vos dites Cões illeosges assemblez fueront eslieuz vre humble oratour e Chapleyn John Ercheuesq darmagh prymat dyrland € vre foial liege Cristofre de Prestoñ Chiualer messagers pur approcher a vre l's hautisme roiale mageste pur la cause au nt dee les quelles articles ensuent.

> En prymes l'ssollayn f' liege monstront a vre l's hautisme roiale mageste vos ditz pouez liegez de vre dit Pre q come mesme vre Pre pur la greindre partie est degaste * destrue p les irrois enemyes & engleis rebelles sibien p lour continueles guerres sur vos dites liegez en chescun Counte de Fre dit fre come p diffsez extorsions & oppssions nounpaiementz & lez malueises Coignes p plusours lieutenentz & lour deputeez et lez gaundez prones a nacons de mesme vre l're sur von ditz lieges continuelment faitz & vses et pur defaute de due execucone de vos leis pount vre dit Pre est descendue si geundement en declyne issint q mesme vre tre iames ne gra releue ne vos dees enemyes & rebelles chastisez saunz vre ls souayne & ls graciouse psence devns vre dit ere a ceo q semble a vos ditz pouez lieges mais mesme vre tre vos lieges en ycelle deyns brief temps grount a dieu defende tout entrement pduz & destruez pr toutz iours.

9 HENRY V. A.D. 1421.

UR most excellent and most sovereign liege lord, the A declaration following are the points and the articles which your of the community poor humble lieges of your land of Ireland, grievously com- of the land of Ireland to plaining thereof, have made before your most honourable our lord the cousin James le Botiler, Earl of Ormond, your lieutenant of King sent into England. your said land, and other lords spiritual and temporal and your commons in your parliament lately held at your city of Dublin; and for having gracious remedy thereof, according to vour most wise and most benign grace, for declaring the which articles to your highness there were chosen, with the assent of the said lords and of your said commons assembled there, your humble orator and chaplain John, Archbishop of Armagh, primate of Ireland, and your faithful liege Christopher de Preston, knight, as envoys to approach your most high royal majesty for the aforesaid reason. The articles are as follows-

I. Firstly, most sovereign liege lord, your said poor lieges of Owing to war your said land show to your most high royal majesty that and dissenwhereas your said land is for the greater part devastated and kings's destroyed by the Irish enemies and English rebels, alike by necessary in their unceasing wars on your said lieges in every county of Ireland. your said land, as by divers extortions and oppressions, nonpayments, and the hateful coignes unceasingly levied and practised on your said lieges by several lieutenants and their deputies, and by the great men and families of your said land, as also from want of due execution of your laws, whereby your said land has fallen so greatly into decline that your said land will never have relief, nor your said enemies and rebels receive punishment without your most sovereign and most gracious presence within your said land, and so it seems to your said poor lieges that your said land and your lieges therein will-(which God forbid!)—within a short time be quite utterly rained and destroyed for ever.

Item priont vos ditz posez lieges q come plusours foitz deu nt cestes houres lez lieuten ntz nadegairs de vre dit Pre v lour deputeez illeosqes qount heuz de vre graunt de revenues v pfitez de mesme vro Pre a lour prez ceps cunt faitz disses extorsions oppssions damages v greuances a vos ditez lieges p force v colour de lour poair issint q poi ou rien en fuist expenduz sur les guerres de vre dit Pre, sur quoy please a vre roiale mageste en aide v confort de vos dites lieges v en saluacone de vre dit Pre de garder v reten lez ditz reuenuz en vos si graciousez mayns Consideraunt tssosiayn v que vre dit Pre est gaundement ease depuys q lez auantditz reuenuz deuiendront a voz Ps graciousez mayns suisdites.

Item priont vos ditz lieges q vre monee desoulz vre cunage pra estre fait solunc vre essage e es graciouse discrecione deins vre dit ere a vre dit citee cestassai de deux dens un den mailt e quadrant e pluys sil semble a vre essage discrecione en mesme le mafie come est fait deins vre roialme dengle re oue toutz mafiez Officers e Mynsres en cest cas busoignables pur es grunde pfite e releuement de vre dit ere e vos ditez lieges.

Item monstront a ve dit is hautisme roiale mageste vos ditz lieges q come al pryfil venue de ve is noble becessour le Roy Richard le scée al dit is plusours greyndrez Chieftayns dirroises nacons cestassauoir Momorgho Oneel Obreene de Tomond Oconoghour de [Conaght] a autres diffses irrois soy humblement submysteront oue lour frank volunte demesne a deviendront lieges homes a luy a ses heirs Royes dengleire pe eaux lour enfauntz naciones a gentz pe toutz iours et a celle temps fieront leur homage liege et auxint pe la greindre seurte obligeront de bon voloir p plusours Instrumentz en diffsez sommes appairs al ve issentisme pier le Pape a sez successours pe fiermement garder lour dit liegeaunces lez queux Instrumentz demeent en ve tresurie dengleire sicome vos

Obliterated.

II. Also, your said poor lieges pray that whereas on several Revenue of occasions before the present time, the former lieutenants of retained for your said land and their deputies there, who have had of your public grant, revenues and profits from your said land to their own use, have committed divers extortions, oppressions, damages and grievances on your said lieges by force and pretence of their power, so that little or nothing was spent on the wars in your said land; wherefore may it please your royal majesty, in aid and comfort of your said poor lieges and for the safety of your said land, to keep and retain the said revenues in your most gracious hands, considering, most sovereign lord, that your said land would be greatly relieved when the aforesaid revenues should come to your aforesaid most gracious hands.

the land to be

III. Also, your said lieges pray that your money under Money to be your coinage may be coined according to your most wise and coined in Ireland as in most gracious discretion within your said land at your said England. city, that is to say, two-penny pieces, the penny, halfpenny and farthing, and more if it seem good to your most wise discretion, in the same manner as is done within your kingdom of England, with all manner of officers and servants as are necessary in this work, to the very great profit and relief of your said land and your said subjects.

IV. Also, your said lieges show to your said most high The Pope's royal majesty that whereas at the first coming to the said land sanction to a of your most noble predecessor, King Richard the Second, against the several great chieftains of Irish families, that is to say, to be sought. McMorogho, O'Neel, O'Brien of Thomond, O'Conoghor of [Connaught], and divers other Irish, humbly submitted of their own free will, and became liege men to him and his heirs. kings of England, for themselves, their children, families and people for ever, and at that time they did their liege homage, and also for greater security they voluntarily, by several instruments, bound themselves in divers sums, to be paid to our most holy father the Pope and his successors, to keep firmly their said allegiance, which instruments remain in your treasury

irish enemies

ditez lieges supposont. Et depuys celle temps tanqe encea les des psonns ount devenuz dislieges & rebeux & degastont & destruont vos des lieges encontre la fourme suysdee; pount priont vos ditz lieges si plesir soit a ver les noble & t's graciouse l'ie pr acerteyil & escrier a ne dit l'essentisme pier le Pape p vos les graciousez tres toutz les malies & choses suisdites oue lour circumstances que onque pur vne croysorie sur ceo au sur les ditz irrois enemyes en relement & saluacone de mesme ve l'ex vos ditz lieges en ycelle et en ppetuelle destruccone dez des enemyes oue layde de dieu.

Item Pssoflayn & liege vos des lieges soy greuousement compleynont pr ceo qen vre plement tenuz a vre dit Cite en la xvme de seint hiller deuent John Talbot de Halomshire Chiualer adonges vre lieuten ut de vre dit Pre lan de vre regne quarte estoit eslieuz vre Orator & Chapleyn Thomas Cranlev adonques Erceuesq de dyuelyn q dieu assoille messager pr approcher a vre l's hautisme mageste pr declarer lestate e la gounance de vre fre auantdit et surceo le message estoit engrosse & fait p êteins engrossours a ceo assignez p autorite del dit plement et quant le message fuist ensy engrosse les au°ntdces Engrossours prieront € requysteront monfr laurence Merbury vre Chaunceller de vre dit tre pr met? al dit message vre graund sealt de vre dit Pre en sa garde esteant, le quel Chaunceller ceo faire ne voilloit mays vre dit seale denya a fs graunde anientisement de vre dit ere sicome pluys au pleyn purra apparoir p vn Instrument ent fait le quel plesir soit a vre la puissante l'ie doier & veer; pont priont lez des voz liegez pr taunt q vre dit Chaunceller est ouesq vous en Englefre p vre comandement q vous please de luy faire venire deuant vous a vre volunte pur declarer la cause pr quele il ne voiloit metter vre dit seale al dit message et sur ceo faire : ordeyî remedy q myelz semblera a vre tres graciouse fie.

of England, as your said lieges suppose. And since that time, as formerly, the said persons have become disloyal and rebellious, and waste and destroy your said lieges, contrary to the form aforesaid; therefore, if it please your most noble and most gracious lordship, your said lieges pray you to inform and complain to our said most holy father the Pope, by your most gracious letters, about all the aforesaid matters and things, with each of their circumstances, with a view to having a crusade on that account against the said Irish enemies, for the relief and safety of your said land, and your said lieges therein, and with God's help, to the perpetual overthrow of the said enemies.

V. Also, most sovereign liege lord, your said lieges make Complaint grievous complaint, because that in your pacliament held at lau. Merbury, your said city in the quinzaine of St. Hilary, before John chancellor, Talbot of Hallamshire, knight, then your lieutenant of your said fused to affix land, in the fourth year of your reign, there was chosen your the great seal to a message orator and chaplain Thomas Cranley, then Archbishop of for the king. Dublin (whom God assoil) as messenger to approach your most high majesty, to declare the state and the government of your aforesaid land, and thereupon the message was engrossed and made out by certain engrossers appointed thereto by authority of the said parliament, and when the message was so engrossed, the aforesaid engrossers prayed and requested sir Laurence Merbury, your Chancellor of your said land, to affix to the said message your great seal of your said land, being in his keeping; the which Chancellor would not do so, but withheld your said seal, to the very great detriment of your said land, as may more fully appear by an instrument drawn up thereon, which may it please your most puissant lordship to hear and inspect: wherefore your said lieges pray that, since your said Chancellor is, by your command, with you in England, you be pleased to cause him to come before you at your will, to declare the reason why he would not affix your said seal to the said message, and thereon to make and ordain the remedy that shall seem best to your most gracious lordship.

Item supplient vos des lieges q come eux sount charger de diûsez intellerables charges & guerres de iour en autre issint q lez tre tenantz artifiés & labourers del dit tre de ioure en autre senalent hors de mesme vre tre en gaundo nombre en vre roialme dengletre & la dem'ent pount la gaignage de mesme vre tre est gaundement anientise nonhabite et vos ditez liegez gaundement enfeblez presister la malice de vos ditez ennemyes, pount please a vre de hautesse considerer la matier suisde ent ordeys couenable remedye.

Item monstront vos ditz lieges a vre dit hautesse \tilde{q} come prymement ans vre Coronacione monfr John de Stanley \tilde{q} dieu assoille estoit lieuten nt de vre dit vre a quele temps auxi en temps de nre ve souayne vre le Roy vre pier et de vre pdecessour le Roy Rychard suisde riens ou poy il paya a mesmez vos lieges mais diuses extorsions a oppssions fist de temps en temps encountre la forme de vos loyes en geun: anientisement de vre dit vre; p \tilde{q} please a vre ve graciouse vie de compeller lez heirs a executours del dit John Stanley qieux p biens de vre dit vre geundement sount enriches enhansez de ven en cest vre de faire paiement dez dettez del dit John Stanley pre mender lez defautes pdeu nt p le dit John Stanley vre ditez come myelz semblera a vre dit hautesse.

Item monstront vos ditz liegez q come aßs la morte du dit mons John de Stanley estoit eslieu p vre conseilt pdeces ke refient [piere en dieu] vre foiale liege Thomas Erceuesq de dyuelyn q dieu assoile en vre Justice de vre de vre le quek luy goûna enûs vous nre vs redoute vre vos ditez lieges benignement e honestement en faisant reisonable paiement as ditz lieges saunz ascunez extorsions ou oppsions a ceux fait de la quele goûnance vos ditz lieges furent gaundement

VI. Also, your said lieges pray, that whereas they are from Request for day to day burdened with divers intolerable charges and wars, against heavy so that the ter-tenants, the artificers and labourers of the charges. said land daily depart in great numbers from your said land to your kingdom of England and remain there, whereby the husbandry of your said land is greatly injured and disused, and your said lieges greatly weakened in their power of resisting the malice of your said enemies; may it therefore please your said highness to consider the above-mentioned matter and ordain suitable remedy thereof.

VII. Also, your said lieges show to your said highness that The heirs of whereas at first, after your coronation, sir John de Stanley Stanley, late (whom God assoil) was lieutenant of your said land, at which lieutenant to be compelled time as also in the time of our most sovereign lord the King, to pay his your father, and of your predecessor, King Richard aforesaid, he paid little or nothing to your said lieges, but committed divers extortions and oppressions from time to time, contrary to the form of your laws, to the great detriment of your said land; Wherefore may it please your most gracious lordship to compel the heirs and executors of the said John Stanley, who are greatly enriched and aggrandised by the goods of your said land, to come into this land to make payment of the debts of the said John Stanley, and to make good the losses formerly caused by the said John Stanley, as shall seem best to your said highness.

VIII. Also, your said lieges show that whereas after the The mode of death of the said sir John de Stanley, there was chosen of Thomas, by your Council here the reverend [father in God] your archbishop of faithful liege Thomas, Archbishop of Dublin, (whom God Justiciar, a assoil!) as your Justiciar of your said land, which he governed to be followed. alike in regard to you, our most dread lord, and to your said lieges, with clemency and honesty, making reasonable payment to the said lieges, without any extortions or oppressions being done to them: with which administration your said lieges were greatly pleased and very well satisfied, and

pleasez & l'sbien contentz, et ils signifient a vre de hautesse alentent q de tiele bon gounaunce ceux quont la gounaunce de vre des l're en temps auen deussent bone esample padre.

Item pleignent vos ditz lieges q come en temps q monf John Talbot chiualer [estoit]¹ lieutenant de vre dit fre fis: plusoures greindres e excessiues extorsions oppssions sibn sur gentz de religiouses e autres de seynt esglise come s' voz ditz lieges queux ne furent faitz en nos iours et lour bas et cateur pristz saunz ent e eux poy ou rien paier p q vos ditez lieges en cele ptie sount les gaundement anientisez e enpoûez pont please a vre hautesse considerer le matier suisdre e comander le dit monf' John en la meillioure fourme come myelz semblera a vre Royale Mageste p' envoier lez deputes attornees e offics en vre l're suisdre pur faire amendes de sez extorsions e oppsisions suisdres e due paiement faire a vos ditz lieges en gaunde socor aide e rel[euam]²ent de poûe estate de vos ditz lieges.

Item monstront a ve l's roiale mageste vos ditez lieges q come en temps de vos l's nobles pgenitores e plecessours cestassil E. le tierce Richard scde iadys Roys dengle re cteyns Comissions gentz foiaux vaillauntz psones e ables p eux furent enuoies p lour comandementz en ve l're suisde pur enquerer de toutz lour lieutenantz Justicez e Gardeyns queux pur le temps furent et de lour gounance extorsions e oppssions nonpaiementz e aulez damages as lieges cele partie faitz et lez a vos ditz pgenitors e plecessours de temps en temps auerter a quele temps ve dit re estoit en pluys meillour estate e pspite q nest a ore. Et ve l'shaut r liege ascuns tielx Comission's depuys ve Coronacone ne viendrent p' enquerer en lauantice ve l're come desuys est dit; pount please a ve dit mageste considerer la matier suisdée e denuoier ctayns loyaux e foyaux

¹ Illegible.

² Indistinct.

they acquaint your said highness, to the end that those who have the governance of your said land in time to come should take a good example from such good rule.

IX. Also, your said lieges complain that whereas in the Sir John time when Sir John Talbot, knight, [was] lieutenant of your tenant, and said land, he committed several great and monstrous extortions his officers, to and oppressions, as well against the religious orders and others for extortions, of Holy Church, as against your said lieges, such as were never &c. done in our time, and took their goods and chattels, paying them little or nothing therefor, by which your said lieges in that part have been very greatly injured and impoverished. Wherefore, may it please your highness to consider the said matter and command the said Sir John, in the best way that seems good to your royal majesty, to send deputies, attorneys and officers into your aforesaid land, to make amends for his extortions and oppressions above-mentioned, and make due payment to your said lieges, to the great succour, aid and [relief] of the poor estate of your said lieges.

X. Also, your said lieges show to your most royal majesty Commisthat whereas in the time of your most noble progenitors and appointed, to predecessors, that is to say, Edward the Third and Richard the enquire into Second, formerly Kings of England, certain commissioners, of lieutenants, faithful men, persons of might and ability, were sent by them by their command into your aforesaid land, to enquire of all their lieutenants, justices and guardians, for the time being, both regarding their administration, extortions and oppressions, nonpayments and other damages done to the lieges of that part, and report them to your said progenitors and predecessors from time to time: at which time your said land was in much better condition and more prosperous than it now is. And, our most high liege lord, no such commissioners have come, since your coronation, to your aforesaid land, to enquire, as is above said. Wherefore, may it please your said majesty, to consider the aforesaid matter, and send certain loyal and faithful men of your realm into your said land,

officers, &c.

make amends

Item monstront vos ditz lieges q come en vre dit parlement tenuz deuant vre dit lieutenant gorest mesme vre lieutenant estoit requise p vos ditz lieges pur garder vos leyes & de rebutter toutz mañes extorsions e oppressions e due paiement faire a vos ditz lieges a q vre dit lieutenent disoit qil oue laide de dieu vorroit p es tout sa poair vos dees leyes garder & due paiement faire, et outre sil nauoit de vous les redoute & donnt il pra paier a vos ditz lieges il pmyst a mesme le temps en mesme vre plement deuent toutz estatez dicell q al fyne de son fine il vorroit assigner toutz les rentz de ctevns sez fres de son meillour vyuer pdecea saunz rientz deux Budre tange due paiement gra fait a vos ditz lieges dount mesmes vos lieges gaundement esmercierent vostre dit lieutenant, et auxint de ceo q le dit vre lieutenant ad ouste vn maluois Pshaynouse * importable custume appelle Coigne le quele de la longe temps estoit vse deins vre dit Pre sur vos lieges a Ps haute anientisement deux; es queux affairs il soy ad bien porte tang encea et myelz vorroit aû fait sil eust sufficiente de refresshement de vre la graciouse aide come a eux semble, pount supplient vos ditz lieges q please a vre tssoulayne frie si pleasir soit a ycelt de ent esmcier vre dit lieutenant a lui refressher al humble request de vos lieges suisditz et charger de cella continuer.

to enquire by commission concerning all your lieutenants, officers and other your servants, whomsoever, of your said land, and all their servants and officers, and their adminisoppressions, extortions. excesses. nonpayments. losses, damages, false imprisonments, and all other kinds of grievances done or caused by them or any of them since your said coronation, as of old, and make a return thereof to your said highness, with a view to having suitable remedy, to the great profit and comfort of your said lieges for all time.

XI. Also, your said lieges show that whereas in your said Request for parliament, held before your said lieutenant that now is, your aid and said lieutenant was requested by your said lieges to guard your present lieulaws and oppose all kinds of extortion and oppression, and abolished make due payment to your said lieges: to which your said coigne, &c. lieutenant answered that with the help of God he would, with all his power, guard your said laws and make due payment, and further, if he had not from you, most dread lord, [any funds from which he might pay your said lieges, he promised at the same time in your same parliament before all the estates thereof, that at the end of his term he would assign all the rents of certain his lands, of his best living, for this, without taking anything from them until due payment should be made to your said lieges: for which your said lieges greatly thanked your said lieutenant, as also because your said lieutenant abolished a bad, most heinous and unbearable custom, called coigne. which for a very long time was practised within your said land on your lieges, to their deepest hurt; in which matters he has borne himself well as ever, and as seems to them, would have done better if he had had sufficient encouragement in your most gracious help. Wherefore your said lieges pray that it may please your most sovereign lordship, if it be your will therein, to thank your said lieutenant and encourage him, at the humble request of your above-mentioned lieges, and charge him to continue that policy.

Item monstront voz ditz lieges q come diffses psonnes nient apprise descripture ne de frature ount ctayns offices en vre Escheqer de vre dit tre * les occupiont p lour deputezz. Et outre sibn Clercz come autes ount * occupiont dieux officez ou treis en mesme vre Escheqer pount pluys greindres excessyues fees sount prises de vos ditz lieges * aute extorsions a eux faitz pr les gaundes fermes quis paient a lour meistres et les ditz offices nient si duement gardez * suicez come estre soiloient * deussent; pont priont vos ditez lieges q please a vre l'shaute discrecione considerantz lauantice matier ent couenable remedy ordeys.

Item monstront vos ditz lieges q̃ come eux sount rieules appones p vos leyes ves en ṽre roialme dengle re pur queux leies appondre a en ycelt estre enformez voz ditz lieges ount enuoies gentz hables de bone a gentiele nacone vos engleysez lieges neez de ṽre dit re a cteyns hostellz de Courte lez queux ount estez receux illeosqes en temps del conquest de ṽre dit retanqe ore tarde q̃ lez Gounours compayny dez ditz hostiells ne vorront mye receyu les ditz gentz en les ditz hostiells come ils soloient estre pount please a ṽre resgraciouse frie cella considerer a ent ordeygn due remedie q̃ vos leies soient contynuz a nient oblies en ṽre dit re.

Item pleynont vos ditz lieges q̃ come les Chastellayns Escocez * autres vos enemyes de diffsez pties de longe temps passes ount gardes le mere entre ṽre Roialme dengle?re et ṽre dit fre et vos foiaux lieges * marchaundes sount derobbez emprisones * raunceonez * souent foith tuez a les gaunde anientisement de toutz vos lieges * marchauntz. Sur q̃ please a ṽre l'shautesse considerer lauandee matier * q̃ ṽre dit fre ne poet estre saunz filchaundises sustenu * sur ceo de ṽre fs benigne grace couenable remedy ordeigfi.

XII. Also, your said lieges show that whereas divers Extortions persons, not learned in writing or in letters, hold certain illiterate men offices in your Exchequer of your said land, and fill them by performing their deputies. And further, clerks as well as others hold and Exchequer fill two or three offices in your said Exchequer, whereby very by deputy. excessive fees are taken from your said lieges, and other extertions are committed on them, owing to the great farms that they pay to their masters, and the said offices are not so duly kept and served as they used to be and should be. Wherefore your said lieges pray that it may please your most high discretion, on consideration of the aforesaid matter, to ordain suitable remedy thereof.

XIII. Also, your said lieges show that whereas they are English lieges ruled and governed by your laws used in your realm of land no longer England, to learn which laws and be informed therein, your received in said lieges have sent to certain inns of court able men of good and gentle family, your English subjects born in your said land, who have been received there from the time of the conquest of your said land until now lately, when the governors and companies of the said inns would not receive the said persons in the said inns, as they used. may it please your most gracious lordship to consider this and ordain due remedy thereof, that your laws may be perpetuated and not forgotten in your said land.

XIV. Also, your said lieges complain that whereas the Castilian and Castilians, Scots, and other your enemies of divers parts, enemies hold have for a long time past kept the sea between your kingdom the sea of England and your said land, and your faithful lieges and England and merchants are robbed, imprisoned, and held to ransom, and interchants oftentimes killed, to the very great destruction of all your robbed, &c. Wherefore may it please your highness lieges and merchants. to consider the aforesaid matter, as well as that your said land cannot be supported without merchandise, and of your most benign grace to ordain suitable remedy in that matter.

inns of court.

Item monstront vos ditz lieges q come p vn estatut fait en Englefre ordeigne estoit q chescune Eschetour deins chescun Counte de vre dit roialme deust au sufficiante des Pres rentz e tentz deins mesme le counte p' respoundre p' loure defautez sibn au Roy come al partie. Et ceo nient obstant vre Eschetour de vre dit l're dem'ant en Englelre gorest & autres diffsez Eschetours deuent luy ount faitz diffsez deputeez en diffses Countees deins vre dit Pre nient sufficientz ne nult possessions eiantz solone la forme du dit Estatut les queux ont faitz ? fount gaundes damages & oppssions a vos ditz lieges p cause dez graundez fermes qils portent a lour meistres en graunde damage & arrerisement sibn a vous come a vos ditz lieges, pount please a vre dit magestie lauantdee matier considerer ? ordeigh q vre Eschetour qorest de vre dit fre ne nult autre Eschetour desormes face nult deputes deins la dit Pre sinon qil eit sufficiente des Pres & tentz devns mesme le Countee ou il s'ra depute come le dit Estatut fait mencione.

Item monstront vos ditz lieges q̃ come le s noble Roy E. tierce ṽre besaiel iadis Roy dengle re q̃ dieu assoille pentre autres pdona & relessa gesalment a toutz ses lieges dengle re Irland & Gyan et toutz sez autres lieges pr les almes de ses s resentz piere & mere et pur les almes de toutz ses s'enobles pgenitors toutz mass dettes & accomptes a luy ou ses pgenitours duez sicome p ses tres paten |ts| 1 ent saitz en sez Escheqers dengle re & dirland enrollez pluys pleynement appiert la quele s graciouse pdone estoit s gaunde releue & amendement de tout la dit sre. Et puys de ṽre s abondante grace aps ṽre Coronacone pdonastes deyns eteyn temps lymyte a toutz vos lieges queux vorroient p suer a ṽre s graciouse f ie toutz masses dettes accomptes & autres disses articles sicome appiert p vos gaciouses tres patentz a dissez de vos lieges ent saitz et vos

XV. Also, your said lieges show that whereas by a Eschestors of statute made in England, it was ordained that each escheator appoint in every county of your said realm ought to have sufficient deputies lands, rents, and tenements within the same county, to answer have sufficient for their defaults as well to the King as to the party. notwithstanding this, your escheator of your said land that now is, dwelling in England, and divers other escheators before him have appointed divers deputies in divers counties within your said land, who have neither sufficient nor indeed any possessions, according to the form of the said statute; who have committed and do commit great damages and oppressions on your said lieges, by reason of the great farms they bring to their masters, to the great damage and loss alike of you as of your said lieges. Wherefore, may it please your said majesty, to consider the aforesaid matter, and ordain that your escheator, that now is, of your said land, and any other escheator in the future, shall not appoint any deputy within the said land unless he have sufficient lands and tenements within the same county wherein he shall be deputy, as the said statute makes mention.

And, lands, &c.

XVI. Also, your said lieges show that whereas the most Pardon of noble King Edward the Third, your great grandfather, formerly crown debts. King of England (whom God assoil!), amongst other things, pardoned and released generally to all his lieges of England, Ireland, and Guienne, and all his other lieges, for the souls of his most honoured father and mother, and for the souls of all his most noble progenitors, all kinds of debts and accounts due to himself or his progenitors, as by his letters patent made thereon, enrolled in his Exchequers of England and Ireland. more fully appears, which most gracious pardon was a great relief and benefit to all the said land. And later, after your coronation, of your most abundant grace, you pardoned, within a term limited, to all your lieges who wished to make suit to your most gracious lordship, all manner of debts, accounts, and divers other articles, as appears by your gracious letters patent made thereof to divers of your lieges.

ditz lieges de vre dit fre nient sachantz pr la greindre partie de vre dit pdone si gestalment gunte « auxint du temps iesqes cell graciouse pdone deust durer riens presueront al sountayne de vre les gunde grace; pount please a vre l'shaute mageste denclyner lez orrailt de vre habundante pite a vos ditz lieges considerantz lor post estate « importable charge » a eux pr lez almez de vos l'snobles pier « mere « de toutz vos autres pgenitors » s'decessours queux dieux assoille gunter tiele pdon a ditz lieges come mielz semble a vre l'ssage discrecione en ppetuele rememorie de vre l'spuissante » l's graciouse frie.

Item monstront les auantditz lieges a vre fishautisme mageste q come en le plement le Roy R. nadgairs Roy denglefre le scde puys le conquest lan de son regne tierce tenuz ordeygne estoit * accord est q toutz gentz de qconq estate ou condicone gils estoient Pres rentz Enficez & autres possessions aconges deins la Pre dirland eiantz entis la dit Pre soy traiherent deuent le fest de Natyuyte de seint John le Baptystre adonges psheyn venant « desore en eide « fortificacone de ses foialz lieges illeosqes dem'eront e researent pr la dite fre encountre lez rebeuxes & Irrois garder € defender. Et q̃ toutz ceux queux chastell € forcelletez deins la dit Pre adonges affoient ils en competent state facent repairer * sustiner * illeosqes bone et suere garde p' la saluacione dicelt Chastelt * forcelletez sur le pill gapent poneront et en cas q ascune de eux queux ount fres offices rentez bnficez ou autres possessions en la dit fre € hors dycelle Pre abs le dit fest pr cause resonable estoit absente donges pr le temps dabsentee hōmes defensables en defense du dit fre solonc ceo q necessite demande en lour lieu mysterent * trouerent eiant regarde al quantite e le value dez Pres rentz offices * aules possessions suisdites et qil q ceo ne ferroit adonqes les deux parties dez pfites des Pres rentez officez *

And your said lieges of your said land, knowing, for the most part, nothing of your said pardon so generally granted, and also of the time during which that gracious pardon should ' last, made no suit at the fountain of your abundant grace. Wherefore, may it please your most high majesty to incline the ears of your abundant pity to your said lieges, having regard to their poor condition, and unbearable burden, and further to grant them, your said lieges, for the souls of your most noble father and mother, and of all your other progenitors and predecessors (whom God assoil), such pardon as seems best to your most wise discretion, as a perpetual remembrance of your most mighty and most gracious lordship.

XVII. Also, the aforesaid lieges show to your most high Recital of majesty that whereas in the Parliament held in the third year Statute of King Richard, the Second since the conquest, late King of ³ Ric. II. as England, it was ordained and agreed that all persons of _____ The effect and whatsoever estate or condition they were, having lands, intent of same rents, benefices and other possessions whatsoever within to be certified to the lieuthe realm of Ireland, should betake themselves to the tenant. said land before the feast of the Nativity of Saint John the Baptist then next to come, and thenceforward should remain and reside there in aid and strengthening of his faithful lieges. to guard and defend the said land against the rebels and the Irish. Further, that all those who then had castles and fortalices within the said land should get them repaired and kept in fit condition, and should place there a good and safe guard, for the protection of those castles and fortalices, on the penalty that thereto attaches; and in case that any of those who have lands, offices, rents, benefices or other possessions in the said land, and be absent outside that land after the said feast for reasonable cause, then during the time of absence they should find and substitute in their place capable men, in defence of the said land, according as necessity require, regard being had to the quantity and the value of the lands, rents, offices and other possessions abovementioned; and in case of failure to do so, that then two parts of the profits of the lands

possessiones suisdites p aduvs des Justices e Gouno's de la tre p' la temps esteantz froient leues * sur la garde * defense dicelle Pre expenduz e confitez pur bien q la tierce partie de la value des bnficez de toutz ceux queux demrgent ou studeont en la vnissite ou hors de mesme la fre pr cause resonable de licence du Roy desouth son geunde seale denglePre fueront absentes, les ordinaries charges e necessaries solonc la Ctificacone dez lour ordinaries toutsoulement deductuz come en la dite ordeinance pluys au pleyne est contynuz, Et ore Pspuissaunt f diffsez psonnez foialx vos lieges de vre dit fre soy enalantz as pties dehors ascuns psones p citacions ne le sentisme pier le Pape sibn a sa suyt come al suyte de partie et diffses paones a cause de prsuer diffses grees nre dit is sentisme pier le Pape et plusours psones p' dem'er en Engletre sibn as escoles as vniúsites illeosqes come appndre vre coe ley sicome lez applitices de la Court diffses psones deux p vre licence desoulz vre gaunde seale dirlande a plusours psonnez saunz vre licence queux teinent gentz sufficiante en lor lieus et nient obstant cella les ditz psones queux sont escolantz è absenters hors du dit l're a cause de lour apprise sont p vos Offices de vre Escheger dirland vexes & greues & pnent deux lez deux parties dez issuez e pfites de lour Pres rentz e tentz officez e possessions deins mesme la Pre auxi entierment come ceux gestoient absenters hors de mesme la fre saunz licence a fag-unde anientisement de vos ditz posses lieges; pount ils priont a vre dit l'sgaciouse frie p auise de vre les sage conseille declarer t Etifier a vre dit lieutenant dirland a vos Offi[cers] leffecte * lentent du dit estatut coment * en quele mañe vos dites lieges front gotines en cest matier en temps aven a la gaunde confort * releue de vos ditz potles lieges.

¹ Obliterated.

rents, offices and possessions abovementioned should be raised by the advice of the Justiciars and Governors of the land for the time being, and be spent on and directed towards the protection and defence of that land. Provided only a third part of the value of the benefices be raised from all those who were absent as residents, or students in a university, or outside the said land for reasonable cause, with the King's licence given under his great seal of England, the ordinary expenses and necessaries only being deducted according to the certificate of their ordinaries, as in the said ordinance is more fully contained. now, most puissant lord, divers persons of your faithful lieges of your said land, when they go away to foreign parts, some by citations of our most holy father the Pope, as well at his suit as at the suit of a party, some to seek divers graces from our said most holy father the Pope, many too to reside in England as well at the schools and the universities there, as to learn your common law as apprentices of the Court, divers of these, by your licence given under your great seal of Ireland, and several without your licence, but who maintain sufficient men as their substitutes, yet, notwithstanding this, the said persons who are scholars and absentees outside your said land because of their education, are harassed and burdened by your officers of your Exchequer of Ireland, who take from them two parts of the issues and profits of their lands, rents and tenements, offices and possessions within the said land, as fully as from those who were absentees from the said land without licence,-to the very great hurt of your said poor Wherefore, they pray your said most gracious lieges. highness, with the advice of your most wise Council, to declare and make known to your said Lieutenant of Ireland and to your officers, the effect and intent of the said statute, how and in what manner your said lieges are to be governed in this matter in time to come—to the very great comfort and relief of your said poor lieges.

Item monstront vos ditz lieges q come vre post Oratow John Randolf, Clerk, psone de lesglise de ñre dame de Galtryn en la dioc de Mid qi suyst sibn pr vous ñre fissoflayne 🗗 come pr luy mesmes q come les temporaltees del Euesche de Mid dount lauoueson du dee esglise est peelt furent seisez en vos maynes pur cteyns causes la quel esglise voida p consecracone de John Swayne Clerk a Erceuesch de Ardmagh fce les queles temporaltees esteantz en vos mayns p quel voidance le dit John Randolf fuist fisente al dit esglise p droit & title de vous fagaciouse frie et institut a enducte en ycelt p lordenarie de mesme le lieu lez au^antdces temporaltees en vos mayns esteantz et ceo nient obstant vn Thomas Prys Chapleyne prchacea de lapostailt vn bille destre psone du dit esglise aßs la dite voidaunce nient faisaunte mencione de vre title e droit le quel Thomas & diffsez autres ensemble confedrez ont pues & declares et diont en la courte de lapostailt q vous fisgraciouse fr nauez droit a psente a nult esglise esteantz les temporaltees en vos mayns a cause de nulle voidaunce sinoñ a cause del morte del Euesq de mesme le lieu en disheridaunce de vre Corone a geunde damage e arrerisement du dit John; pount priont lez ditz voz lieges dordeygfi sur ceo remedye couenable solonc vre Pssage discrecione encountre tiels psones qunt faitz tieles declaraciones en saluacione del droit de vre corone.

Item monstront vos ditz lieges q come les lieutenantz e autres qconqes Godnours de vre dit vre deuant cestez houres ount heuz poair de receyû les homages de vos tenant q teignent de vous nre vs soflaigne fr en chief et ceux q psent sount tenuz de faire lour homage ne le poent faire pdecea a cause q vre lieutenant qurest nad nult poair pr ycelt receyû et ensy vos mesmes tenantz duissent deportez hors de cest paijs enûs vre

XVIII. Also your said lieges show that whereas your poor As to the orator John Randolf, clerk, parson of the church of our Lady the living of of Galtrym, in the diocese of Meath, who sues as well for you, Galtrym, dio. our most sovereign lord, as for himself, that whereas the temporalities of the Bishopric of Meath, whereof the advowson of the said church is part, were for certain reasons seized into your hands, the which church was void, owing to the consecration of John Swayne, clerk, to the Archbishopric of Armagh, the which temporalities being in your hands owing to that vacancy, the said John Randolf was presented to the said church by right and title of your most gracious lordship, and instituted and inducted into the same by the Ordinary of the same place, the aforesaid temporalities being in your hands, and, notwithstanding this, one Thomas Prys, chaplain, procured from the Pope a bull to be parson of the said church after the said vacancy, no mention being made of your title and right: the which Thomas and divers others who have combined together have shown and declared and assert at the court of the Pope that you, most gracious lord, have no right to present to any church, the temporalities being in your hands, by reason of a vacancy, unless by reason of the death of the Bishop of the same place—to the disherison of your crown and to the great damage and injury of the said John: Wherefore your said lieges pray you to ordain, according to your most wise discretion, a suitable remedy thereon against such persons as have made such declarations, with a view to the preservation of the right of your crown.

XIX. Also, your said lieges show that whereas the lieu- Power to the tenants and any other Governors whatsoever of your said lieutenant to land have, previously to the present time, had power to receive homage and the homages of your tenants who hold of you, our most King's sovereign lord, in chief, and those who at present are bound to benefices. do their homage cannot do so, because your lieutenant that now is has no power to receive it, and so your said tenants have to journey out of this country to your

Meath, &c.

resent to the

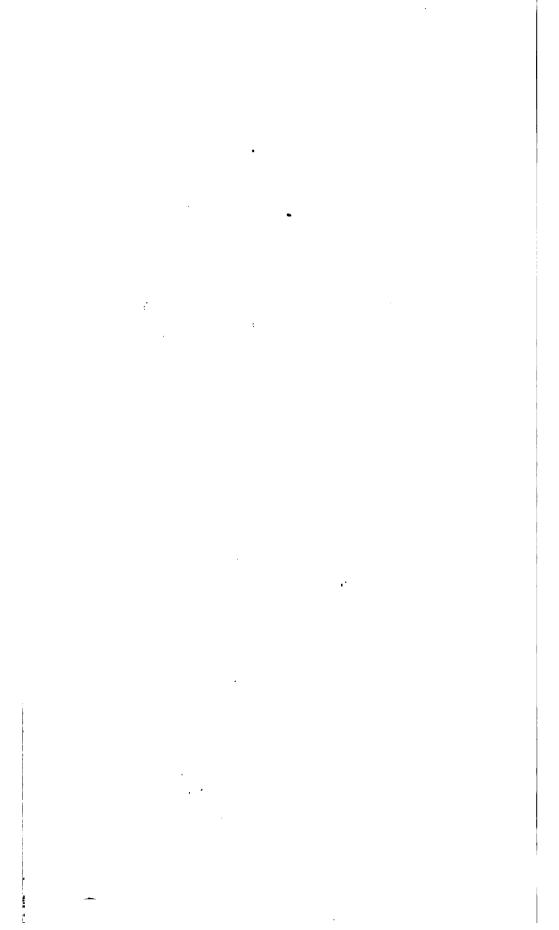
hautesse pr ycelf faire et cella sroit a geunde anientisement de mesme vre re a cause de resistence de vos enemys en ycelf. pont suppliont vos ditz lieges considerer lauent ce matier e geunter sil vous plest a vre lieutenent que est e as autres Gosnours de vre dit re que ux pr le temps sront pleyn pour de receys homage de vos tenentz auentditz. Et outre de geunt a vre dit lieutenent pleyn poair de psent e collacione faire a toutz muses dignitees pendes esglisez houspitals. Chauntries francz Chapelt e autres enficez de seynt esglise que conqes que cure ou saunz cure a vre donyceon collacione ou psentacione en que conque autre a vre donyceon collacione ou psentacione en que conque a vre donyceon collacione ou psentacione en que conque a vre donyceon collacione ou psentacione en que conque cure a vre donyceon collacione ou psentacione en que conque a vre donyceon collacione ou psentacione en que conque cure a vre donyceon collacione ou psentacione en que conque cure a vre donyceon collacione ou psentacione en que conque cure a vre donyceon collacione ou psentacione en que conque a vre donyceon collacione ou psentacione en que conque cure a vre donyceon collacione ou psentacione en que conque cure a vre donyceon collacione ou psentacione en que conque conque con conque con conque conque conque conque conque conque conque con conque con

¹ Obliterated.

highness to do so, and that would be to the great hurt of your said land, by reason of the opposition of your enemies in the same. Wherefore your said lieges pray you to consider the aforesaid matter, and grant, if it please you, to your lieutenant that now is and to the other Governors of your said land, for the time being, full power to receive homage from your tenants aforesaid. And further to grant to your said lieutenant full power to present and collate to all manner of dignities, prebends, churches, hospitals, chantries, free chapels, and other benefices of Holy Church whatsoever, with cure or without cure, in any way appertaining or relating to your donation, collation, or presentation, to suitable parsons, seeing that during the period of such vacancies, divine services are largely withdrawn, and the souls in such churches are neither cared for nor governed.

And, our most excellent and most sovereign liege lord, in testimony of the said points and articles, as they are above declared, your servant and poor chaplain, Hugh Banent, deputy to sir Laurence Merbury, your Chancellor in your aforesaid land, at the request of the said lords and of us your said poor commons in your said parliament made, has [affixed] your great seal in your said land, being in his keeping. Given at your said city the 28th day of April in the ninth year of your most gracious reign.

[No answers of the King to these articles have been found.]



APPENDIX.

Statute of Henry II. (fitz Empress) as to election of a chief governor of Ireland, when that land should happen to be in want of a lawful governor. Henry II.

This statute occurs in recital in a Statute Roll (Irel.), 2 and 3 Rich. III., cap. 8, wherein it is confirmed and ratified.

Parliament said to have been held in Ireland, in which it was ordered that English laws and customs should be observed.

1210. 12 John

(See p. 24 of this volume.)

Ordinance by the Council of the lord Edward at Castledermot, which provided that each person should recover his estate in lands, tenements, castles, wardships, goods and chattels, as the same were on the day of St. Nicholas in that year.

1264 48 Hen. III.

(Recited in a Coram Rege Roll, 4 Edw. I. (Eng.), see Sweetman's Calendar, Ireland, vol. 1252-84, p. 204.)

Ordinances made at Rathwire, co. Meath, by the Justiciar and the magnates of Meath and Kildare, as to Peterde Bermyngham having additional forces against the Irish felons, &c.

1299. 27 Edw. I.

(Calendar, Justiciary Rolls, pp. 286-7.)

Writ transmitting (for execution on a certain day in Ireland) an ordinance concerning the military order of the Temple in Ireland, their lands, &c.

1307. 1 Edw. II.

(Memoranda Roll (Exchequer), 1 Edw. II., m. 19.)

Petition in a full parliament at Dublin, by John de Tuyt. for pardon of arrears, which was granted by the King, who ordered the Exchequer to acquit him of half.

(Patent Roll, 13 Edw. II., art. 80.)

1326. In a parliament at Kilkenny, an aid of forces was granted for 19 Edw. II. suppressing felons and rebels in co. Tipperary.

(Patent Roll, 20 Edw. II., art. 22.)

The King transmitted to his Treasurer and Barons a transcript of an ancient statute used in the Exchequer of England, as to the levying of Queen's gold, commanding its enrolment and observance in Ireland. (This is believed to have been taken from the Dialogus de Scaccacio, in the Red Book of the Exchequer, England.)

Memoranda Roll of the Exchequer, 16 and 17 Edw. IIL

Writ addressed to the sheriff of the cross of Kilkenny, &c., ³ Feb. against people associating with the Irish, using their language, or sending children to be nursed among them.

(Red Book of Ossory, fol. 55; printed in 10th report Hist. MSS. Com., App., part 5, p. 260.)

1369. Proceedings in a parliament at Dublin as to grant of divers 43 Edw. III. customs and charges, by the lesser part of said parliament, it being directly opposed by the greater part of the prelates, magnates, &c.

Recited in a writ to the Justiciar of Ireland, dated 28 May, 46° year. (Close Roll (Eng.), 46 Edw., III., m. 25.)

Petition of parliament. Leave to Donald Omoghane, minstrel, to reside among the English, &c., notwithstanding the Statute of Kilkenny.

(Patent Roll, 49 Edw. III., art. 158.)

Ordinances in a parliament at Tristeldermot as to a special guard being assigned for Carlow and neighbourhood during the parliament; as to the Justiciary's fees and allowances, e.c., he to have a special guard.

1378. 1 Ric. II.

(Close Roll, 1 Ric. II., arts. 40, 42.)

Petition by the prior of St. Patrick's, Down, in a parliament held at Dublin, in this year, as to writs of summons to parliament having been sent to former priors of that house. It was not found that said prior or his predecessors had any royal writs to come to any royal parliaments, nor were they wont to come to such. (Close Roll, 4 Ric. II., art. 61.)

1380. 4 Ric. II.

Enrolment of a memorandum as to the death, at Cork, of the Earlof March, justiciar of Ireland, on which writs were addressed to prelates, magnates, and representatives of counties and cities, who met at Cork, with the King's Council, and elected John Colton, chancellor, as justiciar, and he took the oaths.

1382. 5 Ric. IL

(Patent Roll, 5 Ric. II., part I., art. 39.)

Writ addressed to all to whom it shall come, conveying the terms of three English statutes—27 Edw. III.; 31 Edw. III.; and 4 Ric. II.—as to gauging of wines, &c.; the first deals with Ireland. (No clause for observance here.)

1385. 9 Ric. IL

(Patent Roll, 9 Ric. II., art. 249.)

Recitals as to prelates, magnates, clergy, and commons representing certain counties, in Council, granting subsidies and armed men in aid of the wars.

1388. 12 Ric. II.

(Patent Roll, 12 Ric. II., arts. 187-9, 190, 220.)

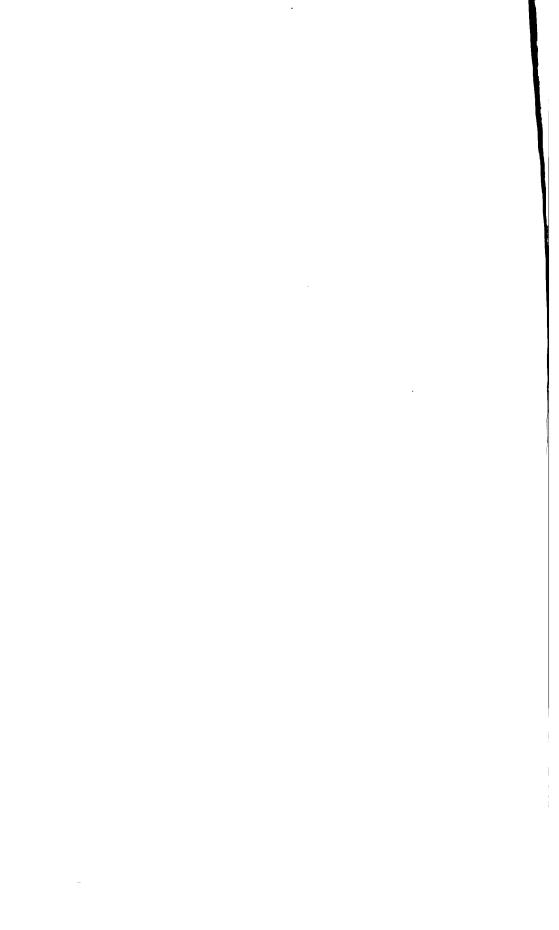
Proceedings in parliament, referring to the release of Nelan O'Neel, on his giving hostages.

1390. 13 Ric. II.

(Patent Roll, 13 Ric. II., art. 222.)

Modus tenendi parliamenta in Hibernia.

(A MS. edited by Anthony Dopping, bishop of Meath.)



INDEX

TO THE ENACTMENTS, &c.

		Subject.					Page.
		A.					
batement.							
Of writ of Dow	ver,	•••	•••	•••	•••	•••	8
beys.							
Vacant, custod	ly of by the	King					1
vacanto, custoc		patrons,	•••	•••	•••	•••	1
Foreign impos			•••	•••	•••	•••	24
Provision by the			•••	•••	•••		54
Common seal		iddon,	•••	•••	***	•••	24
Common boat	···	•••	•••	•••	•••	•••	
juration.							ì
By trespassers	in parks,	•••	•••	•••	•••		6
• •							
sence, Licence							
By letters pate			rce as ir	ı Englan	d,	•••	50
Proposed regul			•••	•••	•••	•••	52
Special, for Iri	ish enemies t	o pass the s	ea,	•••	•••	••••	52
eemine /landlan	Jal.						
sentees (landlor		Abain Tuisb					001 00
To contribute to Aliens, rents of					···	•••	201, 39 27
						•••	
Landowners, to							470, 470
Landowners, to	o reside in Ir	eland, or fu					470, 470 501, 57
Landowners, to On default, to	o reside in Iro lose the land	eland, or fu s,	rnish n	nen for d	efence,		470, 470 501, 57
Landowners, to	o reside in Iro lose the land	eland, or fu s,	rnish n	nen for d	efence,		470, 470 501, 57 47 477, 501
Landowners, to On default, to In default of se	o reside in Iro lose the land ending men, p	eland, or fu s, portion of r	rnish n ents to l	nen for d be applie	efence, ed for def	ence,	470, 470 501, 57 47
Landowners, to On default, to In default of se King's servant	o reside in Iro lose the land ending men, p s and student	eland, or fu s, cortion of re s in univer	rnish n ents to l	nen for d be applie	efence, ed for def	ence,	470, 470 501, 57 47 477, 500 579
Landowners, to On default, to In default of se	o reside in Iro lose the land ending men, p s and student	eland, or fu s, portion of r	rnish n ents to l	nen for d be applie	efence, ed for def	ence,	470, 476 501, 57 47 477, 501 579 477, 501
On default, to In default of se King's servant third,	o reside in Iro lose the land ending men, p s and student	eland, or fu s, cortion of re s in univer	rnish n ents to l sities ex	nen for d be applie	efence, ed for def	ence,	470, 476 501, 57 477, 501 579 477, 501 581
Landowners, to On default, to In default of se King's servants	o reside in Iro lose the land ending men, p s and student glish), to be o	eland, or fu s, cortion of re s in univer	rnish n ents to l sities ex	nen for d be applie	efence, ed for def	ence,	470, 470 501, 57 477, 501 579 477, 501 581 50
On default, to In default of se King's servant third, Statute of (En	o reside in Iro lose the land ending men, p s and student glish), to be o	eland, or fu s, portion of re s in univer observed in	rnish n ents to l sities ex Ireland,	nen for d be applie	efence, ed for def save as t 	ence,	470, 470 501, 57 477, 50 579 477, 50 581 50 878, 57
On default, to In default of se King's servant third, Statute of (En	o reside in Iro lose the land ending men, p s and student glish), to be o c itsd, to its working	eland, or fu	rnish n	nen for d be applie	efence, ed for def	ence,	470, 470 501, 57 477, 50 579 477, 50 581 50 878, 57
On default, to In default of se King's servant third, Statute of (En	o reside in Iro lose the land ending men, p s and student glish), to be o c itsd, to its working	eland, or fu	rnish n	nen for d be applie	efence, ed for def save as t 	ence,	470, 476 501, 57 477, 501 579 477, 501 581 50 878, 57
On default, to In default of se King's servant third, Statute of (En Directions as t Carrying out it	o reside in Iro lose the land ending men, p s and student glish), to be o c itsd, to its working	eland, or fu	rnish n	be applied to the control of the con	efence, ed for def save as t 	ence,	470, 476 501, 57 477, 501 579 477, 501 581 50 878, 575
On default, to In default of se King's servant third, Statute of (En Directions as t Carrying out it	o reside in Iro lose the land ending men, p s and student glish), to be o o its working ts provisions	eland, or fu	mish n ents to l sities en Ireland, ssing,	be applied,	efence, ed for def save as t	ence,	470, 476 501, 57 477, 501 579 477, 501 581 50 878, 57: 58
On default, to In default of se King's servant third, Statute of (En Directions as t Carrying out it	o reside in Iro lose the land ending men, p s and student glish), to be o o its working ts provisions	eland, or fu	rnish n	be applied to the control of the con	efence, ed for def save as t 	ence,	470, 476 501, 57 477, 501 579 477, 501 581 50 878, 57: 58
On default, to In default of se King's servant third, Statute of (En Directions as t Carrying out it	o reside in Iro lose the land ending men, p s and student glish), to be o o its working ts provisions	eland, or fu	mish n ents to l sities en Ireland, ssing,	be applied,	efence, ed for def save as t	ence,	470, 476 501, 57 477, 501 579 477, 501 581 50 878, 57
On default, to In default of se King's servante third, Statute of (En Directions as t Carrying out it cossary. In false appeals	o reside in Iro lose the lands ending men, p s and student glish), to be o cited, o its working ts provisions s, how punish	eland, or fu	mish n ents to l sities en Ireland, ssing,	be applied,	efence, ed for def save as t	ence,	470, 470 501, 57 47, 501 579 477, 501 581 50 878, 57 58 57
On default, to In default of se King's servant third, Statute of (En Directions as t Carrying out it cessary. In false appeals counts. Proceedings ag	o reside in Iro lose the land ending men, p s and student glish), to be o cited, o its working ts provisions s, how punish gainst accoun	eland, or fu	mish n ents to l sities en Ireland, ssing,	be applied,	efence, ed for def save as t	ence,	470, 476 501, 57 47, 501 579 477, 501 581 581 581 579 878, 57: 184
On default, to In default of se King's servant third, Statute of (En Directions as t Carrying out it cossary. In false appeals counts. Proceedings ag Writ of account	o reside in Iro lose the lands ending men, p s and student	eland, or fu	mish n ents to l sities en Ireland, ssing,	be applied,	efence, ed for def save as t	ence, o one	470, 476 501, 57 477, 501 579 477, 501 581 581 58, 57 58 57, 183
On default, to In default of se King's servant third, Statute of (En Directions as t Carrying out if cossary. In false appeal counts. Proceedings ag Writ of accour Of King's office	o reside in Ire lose the lands ending men, p s and student	eland, or fu	rnish n ants to l sities es Ireland, ssing,	be applie coepted,	efence, ed for def save as t	ence, o one	470, 476 501, 57 477, 501 579 477, 501 581 50 878, 57 184 184 184 182
Cossary. In also appears Cossary. In false appear Cossary. Proceedings ag Writ of account Of King's office Of Treasurers,	o reside in Iro lose the lands ending men, p s and student	eland, or fu	mish n ents to l sities en Ireland, ssing,	be applied,	efence, ed for def save as t	ence, o one	470, 470, 501, 57 477, 501, 579 477, 501, 581, 50 878, 57 18. 18. 18. 18. 18. 18. 18. 18. 18. 18.
Cossary. In also appears Cossary. In false appear Cossary. Proceedings ag Writ of account Of King's office Of Treasurers,	o reside in Ire lose the lands ending men, p s and student	eland, or fu	rnish n ants to l sities es Ireland, ssing,	be applie coepted,	efence, ed for def save as t	ence, o one	470, 476 501, 57 477, 501 579 477, 501 581 50 878, 57 184 184 184 182
I Landowners, to On default, to In default of se King's servant third, Statute of (En Directions as t Carrying out it Carrying	o reside in Iro lose the lands ending men, p s and student	eland, or fu	rnish n ants to l sities es Ireland, ssing,	be applie coepted,	efence, ed for def save as t	ence, o one	470, 476 501, 57 477, 501 579 477, 501 581 50 878, 57 184 184 184 182
Landowners, to On default, to In default of se King's servant third, Statute of (En Directions as t Carrying out it cassary. In false appeal counts. Proceedings ag Writ of accoun Of King's office Of Treasurers, See Office	o reside in Iro lose the land ending men, p s and student glish), to be o cited, o its working ts provisions s, how punish gainst accoun nt for Execut ars, mainprise examination hers, Sheriffs.	eland, or fu	rnish n ants to l sities es Ireland, ssing,	be applie coepted,	efence, ed for def save as t	ence, o one	470, 476 501, 57 47 477, 501 579 477, 501
Landowners, to On default, to In default of so King's servants third, Statute of (En Directions as t Carrying out is costsary. In false appeals counts. Proceedings ag Writ of accoun of King's offic Of Treasurers, See Offic djournment.	o reside in Iro lose the lands ending men, p s and student glish), to be o cited, o its working ts provisions s, how punish gainst account for Execut ars, mainprise examination ers, Sheriffs. the circuit,	eland, or fues, cortion of resis in university observed in to be given found hars and, tants, ors, of,	rnish n ants to l sities es Ireland, ssing,	be applie coepted,	efence, ed for def save as t	ence, o one	470, 470 501, 57 477, 501 579 477, 501 581 50 878, 57 18 13 14 32: 38:

	8	ubject.					Page
dmeasurement.							1
Of Dower and Pasture On overcharge of past			o f , 	•••			12
dministration.							i
Of intestates' effects,	by the o	rdin ary ,		•••	•••		14
dmirais.							1
English statute as t	to jurisd				be observe	d in	507
Jurisdiction of,	•••	•••	•••	•••	•••	•••	511
Only to interfere in t	hings do				•••	•••	il
Action against, for all	lowing la	bourers t	o pass the	sea,	•••		519
duitery.							
Dower forfeited by,	•••	•••	•••	•••	•••	•••	155
dvowson.							
Pleas of, not to be ple	eaded in	Court Ch	ristian,		•••		24
Writs of; presentat				re iz	npedit; cha	pels,	
tithes, &c.,	•••	•••	•••	•••	•••		117-123
Usurpation of, by pro	vision of	the Pop	e,	•••	•••		∫ 533-7,
id.						- 1	347
For knighthood and r			•••	•••	•••		75
For King's expedition	n to Fran	ice,	•••	•••	•••		363
iel.						- 1	
Writ of, limit in,	•••	•••	•••	•••	•••		77
damages by,	•••	•••	•••	•••	•••		93
tenants ans		•••	•••	•••	•••		147
le.						ı	
Measure of,	•••	•••	•••	•••	•••		15, 289
lionation.						- 1	
By tenants by courte	av or in	dower				- 1	49 05
for years,	•	dower,	•••	•••	•••		93, 95 145
Of wife's right,	•••	•••	•••	•••	•••		165
By religious houses,	•••	•••	•••	•••	•••		167
To religious houses,		•••	•••	•••	•••		37
For fraudulent purpo		. : • •	•••	•••	•••		453
Of lands held of the			•••	•••	•••	•••	193
with a view	to repei	110n,	•••	•••	<i>•</i>		271,289
liens.							
Abbots, priors, &c., r					ons,		243
may			in Englan	d,	•••		ib
As to distress for deb			 (atronopre		•••	•••]	69
	DOG 181	618467868	(strangers)	<i>,</i> ·		1	
Ums. Withdrawing, by rel	igious ho	uses,	•••		•••		167
						i	
lmondment. Of writ, abated duri	ng the C	irenit				1	101
Or with aparon dari		aroure,	•••	•••	•••	***	131

					Page.
mercement.					
Of freemen to be reasonable, salvo conten	remento	, &c.,	***		13, 5
Of merchants, villeins, peers, and clerks,					13
On the county, assessment of, in eyre,		***	•••		68
On disseisins, in London,		•••	•••		10
Not to be assessed on any but by their p	eers.	•••	•••		28
Excessive, of dwellers in the march, and	remedy		•••		36
pparel. See Dress.				Ì	
ppeal.					
Of homicide, by women,		•••	•••		1
Against principals and accessaries,	•••	•••	•••		5
Malicious, punishment of,	•••	•••			13
, writ of odio et atia on,	•••	•••	•••	•••	14
ppéarance.					
process to compel,	•••	•••	•••	•••	8
Apporta Religiosorum. Foreign tribute by houses of religion for	rbidden	,		•••	240, 54
Approvement. See Waste.					
\rch ery.					
As a game, encouraged,	•••	•••	•••	•••	43
Armour and Arms.	felons				90
Country tenants to have, for pursuit of			•••		
Country tenants to have, for pursuit of To be kept in houses, and viewed twice	a year,		•••	•••	25
Country tenants to have, for pursuit of	a year, II. Ed.	 II.,	•••		25 266
Country tenants to have, for pursuit of To be kept in houses, and viewed twice Statute of Arms, said to be confirmed, I	a year, II. Ed.	 II.,	•••		25 266
Country tenants to have, for pursuit of To be kept in houses, and viewed twice Statute of Arms, said to be confirmed, I None to be armed in a town where Parl Army.	a year, III. Ed. iament	II., is being	•••		25 266 31
Country tenants to have, for pursuit of To be kept in houses, and viewed twice Statute of Arms, said to be confirmed, I None to be armed in a town where Parl	a year, III. Ed. iament	II., is being	•••		25 266 31 20
Country tenants to have, for pursuit of To be kept in houses, and viewed twice Statute of Arms, said to be confirmed, I None to be armed in a town where Parl Army. Not to be led through land of peace wit Pay of,	a year, III. Ed. iament hout lic	II., is being	•••	•	25 266 31 20
Country tenants to have, for pursuit of To be kept in houses, and viewed twice Statute of Arms, said to be confirmed, I None to be armed in a town where Parl Army. Not to be led through land of peace wit Pay of,	a year, III. Ed. iament hout lic	II., is being	•••	•	25 266 31 20
Country tenants to have, for pursuit of To be kept in houses, and viewed twice Statute of Arms, said to be confirmed, I None to be armed in a town where Parl Army. Not to be led through land of peace wit Pay of,	a year, III. Ed. iament hout lic	II., is being	•••	•	25 266 31 20
Country tenants to have, for pursuit of To be kept in houses, and viewed twice Statute of Arms, said to be confirmed, I None to be armed in a town where Parl Army. Not to be led through land of peace wit Pay of,	a year, III. Ed. iament hout lic	II., is being	•••	•	25 266 31 20
Country tenants to have, for pursuit of To be kept in houses, and viewed twice Statute of Arms, said to be confirmed, I None to be armed in a town where Parl Army. Not to be led through land of peace wit Pay of, Arrest. Of strangers and suspected persons, at n None, without warrant,	a year, III. Ed. iament hout lic	II., is being	•••	•	25 266 31 20 1 25 52
Country tenants to have, for pursuit of To be kept in houses, and viewed twice Statute of Arms, said to be confirmed, I None to be armed in a town where Parl Army. Not to be led through land of peace wit Pay of, Arrest. Of strangers and suspected persons, at n None, without warrant, Articuli Cleri. Articles of the clergy, Artificers.	a year, III. Ed. iament hout lic ight in	II., is being	held, '	•	20 25 266 31 20 i 25 52
Country tenants to have, for pursuit of To be kept in houses, and viewed twice Statute of Arms, said to be confirmed, I None to be armed in a town where Parl Army. Not to be led through land of peace wit Pay of, Arrest. Of strangers and suspected persons, at n None, without warrant, Articuli Cieri. Articles of the clergy, Artificers. Their wages regulated,	a year, III. Ed. iament hout lic ight in	II., is being	held, '	•	255 266 31 20 6 25 52
Country tenants to have, for pursuit of To be kept in houses, and viewed twice Statute of Arms, said to be confirmed, I None to be armed in a town where Parl Army. Not to be led through land of peace wit Pay of, Arrest. Of strangers and suspected persons, at n None, without warrant, Articuli Cleri. Articles of the clergy, Artificers. Their wages regulated, See also Labourers, &c.	a year, III. Ed. iament hout lic ight in	II., is being	 held, 		255 266 31 20 6 25 52
Country tenants to have, for pursuit of To be kept in houses, and viewed twice Statute of Arms, said to be confirmed, I None to be armed in a town where Parl Army. Not to be led through land of peace wit Pay of, Arrest. Of strangers and suspected persons, at n None, without warrant, Articuli Cieri. Articles of the clergy, Artificers. Their wages regulated,	a year, III. Ed. iament hout lic ight in	II., is being	 held, 		25 266 31 20 i 25 52 17
Country tenants to have, for pursuit of To be kept in houses, and viewed twice Statute of Arms, said to be confirmed, I None to be armed in a town where Parl Army. Not to be led through land of peace wit Pay of, Arrest. Of strangers and suspected persons, at n None, without warrant, Articuli Cleri. Articles of the clergy, Artificers. Their wages regulated, See also Labourers, &c. Assay. Of money,	a year, III. Ed. iament hout lic ight in	II., is being ence, towns,	held,		25 266 31 20 i 25 52 17
Country tenants to have, for pursuit of To be kept in houses, and viewed twice Statute of Arms, said to be confirmed, I None to be armed in a town where Parl Army. Not to be led through land of peace wit Pay of, Arrest. Of strangers and suspected persons, at n None, without warrant, Articuli Cleri. Articles of the clergy, Artificers. Their wages regulated, See also Labourers, &c. Assay. Of money,	a year, III. Ed. iament hout lic ight in	II., is being ence, towns,	held,		255 266 31 20 6 25 52 17
Country tenants to have, for pursuit of To be kept in houses, and viewed twice Statute of Arms, said to be confirmed, I None to be armed in a town where Parl Army. Not to be led through land of peace wit Pay of, Arrest. Of strangers and suspected persons, at n None, without warrant, Articuli Cleri. Articles of the clergy, Artificers. Their wages regulated, See also Labourers, &c. Assay. Of money,	a year, III. Ed. iament hout lic ight in	II., is being ence, towns,	held,	• :::	25 266 31 20 25 52 17 36
Country tenants to have, for pursuit of To be kept in houses, and viewed twice Statute of Arms, said to be confirmed, I None to be armed in a town where Parl Army. Army. Not to be led through land of peace wit Pay of,	a year, III. Ed. iament hout lic ight in	II., is being ence, towns,	held,		25 266 31 20 25 52 17 36 22 11, 14, 14, 149
Country tenants to have, for pursuit of To be kept in houses, and viewed twice Statute of Arms, said to be confirmed, I None to be armed in a town where Parl Army. Not to be led through land of peace wit Pay of, Arrest. Of strangers and suspected persons, at n None, without warrant, Articuli Cleri. Articles of the clergy, Artificers. Their wages regulated, See also Labourers, &c. Assay. Of money, Assisss. Of mort d'ancestor, and darrein presente of novel disseisin in the circuit, Who ought to be put in,	a year, III. Ed. iament hout lic ight in	II., is being ence, towns,	held,	• :::	25 266 31 20 6 25 52 17 36
Country tenants to have, for pursuit of To be kept in houses, and viewed twice Statute of Arms, said to be confirmed, I None to be armed in a town where Parl Army. Army. Not to be led through land of peace wit Pay of,	a year, III. Ed. iament hout lic ight in	towns, the circu	held,	• ::	255 266 31 20 6 52 17 36 22 11, 14, 14, 149 15

	Subject.					Page
Assisss —continued.						
Mort d'ancestor, adjournment	of.	•••	•••	•••	•••	.\ 2 94
Of darrein presentment and qu		edit.	•••			303
Of mort d'ancestor and novel de						269
Justices of gaol delivery, &c,		,	•••			269, 287
May be taken in Advent and L See Common of Pasture	ent,				•••	63
Attainder.						
As to seizure of goods, &c., for	rfeited b	у,	• • •	•••	•••	457
On inquests in pleas of land,	•••	••••	•••	•••	•••	77
In the circuit,	•••	•••	•••	•••	•••	149
•						1
Attornoys.						
In county courts, &c,	•••	•••	•••	•••	•••	29, 73
In writs of assise, &c.,	•••	•••	•••	•••	•••	81
In pleas of trespass,	•••	•••	•••	•••		97
In the eyre of the justices,	•••	•••	•••	•••		133
For tenants in novel disseisin.	•••	•••				301
.		•••			1	
verment.						
On vouchers to warranty,	•••	•••	•••	•••	•••	77
On essoin of ultra mare,	•••	•••	•••	•••	1	81
	В.					
Ball and Mainprise.					- [
What offenders are bailable, or	not,	•••	•••	•••	•••	5 9, 133
Prisoners not to be mainprised	, unless :	mainperi	nable,	•••		289
No magnate to be received in,	towards	the King	g,	•••	;	325
No officers of the King to be r	eceived i	in, towai	rds the K	ing,		32 7
-		•		_	!	
Balliffs.					1	
Punishment of misconduct in,	•••	•••	•••	•••	•••	91, 165
Appointment of,	•••	•••	***	•••	•••	191
allards. See False Money.					;	
and the second seconds.					1	
aron and Fome.					ľ	
Appeal by wife for death of hu	sband		•••		••••	19
No fourcher by essoin, by then		•••	•••			97
Remedy for wife and her heir		tion by	husband	•••	•••	93, 111,
wemony for wire and net nett.	AT GITCHG	Julium Dy	rranta'	•••	•••	165
Wife carried amon as also-in-					ì	
Wife carried away or eloping,	- 6 n to-4	····	Sala mick	٠٠٠	•••	155
Custom of Ireland as to goods	OI & VEST	PP COL (M)	ne a tigu	uo),	•••	227
area tore					!	
larrators.					1	A-a
In county courts,	•••	•••	•••	•••	•••	73
Not to be maintained,	•••	•••	•••	•••	3	391, 459
astards.						
All born before marriage decla	red.	•••			!	29
Those born before wedlock	incapah	le of in	heriting.	(Custo	om of	
England to be observed)			(33
Lands of a bastard dying with	out an h	eir (C	natom of	England	to be	30
	Out out II	(0				35
observed),	 nt to T	land	•••	•••	•••	
Writ of Bastardy, form of, se	Te to tle	nwiid,	•••	•••	•••	iò

	mhic-i					Pers
	ubject.					Page
Battle. Oath of champion, in a writ of	right,	•••		•••		79
Beau Pleader. Nothing to be taken for,		•••		•••		55
Beggars. Able to labour, none to relieve,			•••		•••	371
Benefices. (Crown) as to power being give	n to Ch	ief Gover	nors to p	resent to),	588
Betail. Damages by writ of, Tenants answer, in writ of,		•••	•••	•••	•••	93 141
Betaghs (Nativi). Admitted to English law, lords'			f, saved.	•••	•••	292
Service of, saved, Ruled by English law,		•••	•••	•••	•••	825 431
Bill. Of exceptions, how to be grante Of grace, fees on,	xd,		•••		•••	151 294
Of suggestion, from Ireland,	•••	•••	•••	•••	•••	413
Writ of, made current, &c., ————————————————————————————————————			 - Tlond	•••	•••	3 xvi, 26 34
if abrogated, to be re- Pleas of, in Ireland as in Engla			n ireiand,	•••		20
Not to be used by the English, Not law, but a bad custom,			•••	•••		889, 485 487
See Imprisonment. Bridges. Who shall be compelled to mak			•••			18
To be repaired and rebuilt, and Brekage and Brekers.	at who	se expens	e,	•••	•••	209
Enactments against, Burghs. See Cities.	•••	•••	•••	•••	""	409
•	C.					
Carriage. See Purveyance.						
Distress for ward of,			•••	•••		18, 53 13
In Ireland, to be repaired and grand King's, yearly inspection of, ————————————————————————————————————	•••	•••	•••			476, 501 327 825
in enemy's hands, by def neglect of,	ault of	officers,	•••	•••		835 337
custodians of, to dwell in	ο,	•••	•••	•••	••••	ib

		Subject	•				Page
Castles -continued.							
King's, constables of	f, to be na	id for c	ustody.			_	87
destroyed;	constables	fees no	t to be nai	id			
Constables of, their	fees.		pu		•••		. 385, 45
See General	Index.	•••	•••	•••	•••	•	
Causeways. To be repaired, and	at whose	expense,	•••	•••	•••	••	. 20
Certificate of Assise. In what case it lies,			•••				. 14
"	•••	•••	•••	•••	•••	•••	.
Dessavit.							
For rent in arrear,	•••	•••	•••	•••	•••	•••	. 9
For services,	•••	•••	•••	•••	•••	•••	147
For alms withdrawn	by religion	ous,	•••	•••	•••	•••	1 2 ~
		•					1
Challenge of Jurors.							1
In trial of fradulent	t mortmai	n,	•••	•••	•••		153
Chamberlains.							}
Of the King, their f	age on he-	0000					162
Of the King, that i	өса он цон	rake,	•••	•••	•••	•••	102
hamperty.							ı
Prohibited,			•••				69, 71,
	•••	•••	•••	•••	•••	••	159, 177
							413
To be punished,							429
English statute agai	nat. cited.					•••	iò
Ecclesiastical Court			and censu	ıre.		•••	1 3
		,		,	•••	•••	
hampion.							
Oath of, in writ of a	right,	•••	•••	•••	•••	•••	79
hanton							
harter.	-b	a of Was	lich laum	en to	ha ah-a	ا د	
Of King John, as to						rea,	
Great, of Ireland, H	enry III.,	•••	•••	•••	•••		5
	no	baronte	articles in			cited,	67 19
confirmed,	-	prionen	at of cross 11	•	•••	j	
Great Charter,	•••	•••	•••	•••	•••	cited,	281, 377
Great Charter,	•••	•••	•••	•••	••• (audu,	95, 149.
						1	345, 361, 416
as to seizure	of lands 4	o he ohe	havvad			1	525
as to serzure	or rance, i	W DC 0D.	ou vou,	•••	•••	•••	320
hieftains.						1	
To punish their own	clansmen	, retaine	rs, &c.,			}	267, 307.
		•	, ,			- 1	379, 449
Penalty for not doin	g 80.	•••		•••	•••	1	313, 379,
	o,					***	449
Irish, become lieges	to K. Rich	ı. II.,	•••	•••	•••	Ì	565
		•					
hurch.							
Goods taken from a,				•••	•••	•••	185
Fairs and markets no		ld in ch	urchyards	,	•••	••••	257
Declared founded on		•••	•••	•••	•••	•••	541
Elections to dignitie		е,	•••	•••	•••	•••	545
See Sanctuary							

Subj	ject.				Page.
urch (the Irish).					
Liberties confirmed,	• • • •	•••	•••		7, 281
					377, 408
					433, 505
T 1 11 11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1					52
Jurisdiction in testamentary cause	es,	•••	•••	•••	18
rcuits.					
Of the Judges,				•••	1
See also Assises, Eyrc.		***	***	•••	
tations.					l .
From Rome, penalty on,			•••	•••	585-
Also and Burnha					
ties and Burghs.		D1:			200 0
Representatives of, summoned to					229, 2
interviewed by	y Justiciar Tustician s	prior to	a Parnamen	τ,	210 2
make grants t	omenga e a	na Counc	-		213, 2
As to assise of wines and victuals	in	ubbidy,	•••	•••	8
Burgesses to collect customs in to	•	•••	•••	•••	3
See Commonalty, Watch and		•••	•••	•••	1
Dec Commencer, it will all					
ergy.					
Articles of the,		•••	•••	•••	1
Purgation of clerks indicted, befo			•••	•••	
Not to be arrested for failing to a		nd cry,	•••	•••	1
Ill-treatment of clerks arrested,		•••	•••	••.	1
Fines on same, and imprisonment,			•••	•••	j
Clerks compelled to answer before			•••	•••	_
Attachment of clerks for minister		ns,	•••	••	1
Not to minister without presents			•••		İ
Ought not to answer before senes			•••	•••	١.
Attachment of prelates for enqui				•••	1
As to granting licence or pardon of See also <i>Ecclesiastics</i> .	on brovisio	n to a ber	ience ruii,	•••	5
See also Ecclesiasics.					l
lerks of the Justices.					l
In the Bench and Circuits,		•••	•••	•••	1 1
Extortion by,		***	•••	•••	1 ~
lerk of the Market. See Markets.					
loth.					
Measure of,					l
To be long or short,		•••	•••	•••	1 8
Workers in, franchise to be grant		•••	•••	•••	١ ٢
Of England, Ireland, or Wales					
commonalty,	-		•••	•••	1
					1
oigne and Livery.					1 .
Statute of Kilkenny to be observe			•••	•••	1 5
Abolished in time of James, Earl				•••	1 !
Statute of Henry IV. as to herbin	пеке вис и	ivery to D	e odberved,	•••	1 1

Subject.				Page,
Colning.				
Right of, in Ireland,	•••	•••	•••	E CO
Money to be coined in Ireland as in England,	•••	•••	•••	~
Ceitings. Irish games called, forbidden,	•••	•••	•••	431
Collusion.				
By pleaders in the King's Courts,	•••	•••	•••	1 7
By feigned recoveries in London, For aliening lands in mortmain,	•••	•••	•••	153
	•••			
Common of Pasture.				1
Approvement of lords against freeholders,	•••	•••	•••	28 10
Freeholders remedy, Approvement of, by lords against tenants, &c.,	•••	•••		173
Remedy for overcharging,	•••	•••	•••	125
Quod permittal for, by a parson,	•••	•••	•••	143
Assise of novel disseisin,	::: 1		•••	143, 175
————on usurpation during	particui	ir estates,	• •••	175
Dommonaity.				
Defined, in regulation as to using cloth,	•••	•••		319
Of Ireland, aggrieved,	•••	•••	•	203
in Parliaments and great Councils,	•••	•••	•••	8 7, 281 375, 4 31
summoned to great Councils, comp	laints of			
summoned to great Councils, comp	laints of	,		375
Semmon Pleas.	laints of	,		375
To be held in a place certain,	•••	•••		375
emmon Pleas.	•••		1	375 11 45 , 355,
To be held in a place certain, No Common Pleas to be held in the Exchequent	•••	•••		375
To be held in a place certain, No Common Pleas to be held in the Exchequen	•••	•••		375 11 45 , 355,
To be held in a place certain, No Common Pleas to be held in the Exchequent Concubinage or Amour. Between English and Irish forbidden,	•••	•••	:::	375 11 45, 355, 413
To be held in a place certain, No Common Pleas to be held in the Exchequen Concubinage or Amour. Between English and Irish forbidden, Condition.	•••	•••		375 11 45, 355, 413 433
To be held in a place certain, No Common Pleas to be held in the Exchequent Concubinage or Amour. Between English and Irish forbidden,	•••	•••	:::	375 11 45, 355, 413
To be held in a place certain, No Common Pleas to be held in the Exchequent Concubinage or Amour. Between English and Irish forbidden, Condition. Gifts of tenements on,	•••	•••		375 11 45, 355, 413 433
To be held in a place certain, No Common Pleas to be held in the Exchequent Concubinage or Amour. Between English and Irish forbidden, Condition. Gifts of tenements on,	•••	•••		375 11 45, 355, 413 433
To be held in a place certain, No Common Pleas to be held in the Exchequent Concubinage or Amour. Between English and Irish forbidden,	•••	•••		375 11 45, 355, 413 433
To be held in a place certain, No Common Pleas to be held in the Exchequent Concubinage or Amour. Between English and Irish forbidden,	•••	•••		375 11 45, 355, 413 433 105
To be held in a place certain,				375 11 45, 355, 413 433
Common Pleas. To be held in a place certain, No Common Pleas to be held in the Exchequest Concubinage or Amour. Between English and Irish forbidden,				375 11 45, 355, 413 433 105 143
Common Pleas. To be held in a place certain, No Common Pleas to be held in the Excheques Dencubinage or Amour. Between English and Irish forbidden, Condition. Gifts of tenements on, Writs in, Constables. Shall not hold pleas of the Crown, To make view of armour,				375 11 45, 355, 413 433 105 143
Common Pleas. To be held in a place certain,				375 11 45, 355, 413 433 105 143
Common Pleas. To be held in a place certain,	erely, to			375 11 45, 355, 413 433 105 143
Common Pleas. To be held in a place certain, No Common Pleas to be held in the Exchequer Dencubinage or Amour. Between English and Irish forbidden, Condition. Gifts of tenements on, Writs in, Constables. Shall not hold pleas of the Crown, To make view of armour, Taking excessive fees, or treating prisoners sev See Castles. Consultation. After prohibition, on suggestion, to be granted	erely, to		 	11 45, 355, 413 433 105 143 13 256 887, 457
Common Pleas. To be held in a place certain, No Common Pleas to be held in the Exchequest Dencubinage or Amour. Between English and Irish forbidden, Condition. Gifts of tenements on, Consimili Casu. Writs in, Constables. Shall not hold pleas of the Crown, To make view of armour, Taking excessive fees, or treating prisoners sev See Castles. Consultation. After prohibition, on suggestion, to be granted Contra formam Collations.	., erely, to		 soned,	11 45, 355, 413 433 105 143 13 256 887, 457
To be held in a place certain, No Common Pleas to be held in the Exchequer Concubinage or Ameur. Between English and Irish forbidden, Condition. Gifts of tenements on, Consimili Casu. Writs in, Constables. Shall not hold pleas of the Crown, To make view of armour, Taking excessive fees, or treating prisoners sev See Castles. Consultation. After prohibition, on suggestion, to be granted	erely, to		 	11 45, 355, 413 433 105 143 13 256 887, 457
Common Pleas. To be held in a place certain, No Common Pleas to be held in the Exchequest Between English and Irish forbidden, Condition. Gifts of tenements on, Consimili Casu. Writs in, Writs in, To make view of armour, Taking excessive fees, or treating prisoners sev See Castles. Consultation. After prohibition, on suggestion, to be granted Contra formam collations. For lands by a religious house,	., erely, to		 soned,	11 45, 355, 413 433 105 143 13 256 887, 457
Common Pleas. To be held in a place certain, No Common Pleas to be held in the Exchequest Dencubinage or Amour. Between English and Irish forbidden, Condition. Gifts of tenements on, Writs in, Constables. Shall not hold pleas of the Crown, To make view of armour, Taking excessive fees, or treating prisoners sev See Castles. Consultation. After prohibition, on suggestion, to be granted Contra forman collations.	., erely, to		 soned,	11 45, 355, 413 433 105 143 13 256 887, 457

	ibject.					Page.
rn.						Ì
Mooning of to be multi-						15,
Allowanas to same to	•••	•••	•••	•••	•••	10,
Devise of, by tenant in dower,	•••	•••	•••	•••	•••	
To be measured by the standard	huahal	•••	•••	•••	•••	1
See Grain.	ousner,	•••	•••	•••	•••	50
roners.						
Shall not hold pleas of the Crow	n.				•••	l
As to qualifications and election	of.		•••	•••	•••	1 .
Inquests of,		•••	•••	•••	•••]
To enquire of and punish evil do	ers in o					2
To be elected by the counties,		•		•••	•••	8
	•••	•••	•••	•••	•••	ľ
erporations.						1
Franchises of Dublin and other of	ities cor	nfirmed,	••	•••	•••	11, 5
Amercement of cities, burghs, &	c.,	•••			•••	'
Distraint of foreigners in cities,	&c.,	•••	•••	•••	•••	
Officers for regulating assises in	cities. &	·o.,		•••	•••	8
- -	,	.,	-•		- • •	1
beenage.						1
Writ of, limit in,	•••			•••	•••	1 '
damana h-	•••	•••		•••	•••	1 .
+	•••	•••	•••	•••		1
		•••	•	•••	•••	35, 19 197, 21 227, 23 259, 26 277, 28 283, 28
						307, 31 329, 37 399, 41 431, 44
its members,	-		•••			467, 48 287, 35 357, 86
	-		•••	•••		287, 35 357, 80
of the land,	their du	ıty,	•••			287, 35 357, 86 41
of the land, to certify m	their du atters to	ity, o the Co	 uncil ir			287, 35 357, 86 4 20 4
of the land,	their du atters to	ity, o the Co	•••	 England, 		287, 35 357, 86 41 26 41
of the land, to certify m Councils, public matters to be m See Ordinances.	their du atters to anaged	ity, o the Co in,	 uncil ir	•••		287, 35 357, 86 4 20 4
of the land, to certify m Councils, public matters to be m See Ordinances.	their du atters to anaged	ity, o the Co in,	 uncil ir	•••		287, 35 357, 86 41 26 41
of the land, to certify m Councils, public matters to be m See Ordinances. Council (Great). See General Index—Dublic	their du atters to sanaged in, Kilk	ity, o the Co in,	 uncil ir	•••		287, 3: 357, 86 4: 26 41 40
of the land, to certify m Councils, public matters to be m See Ordinances. Council (Great). See General Index—Dublic counter Rolls. Between the Sheriff and Coroner, county.	their du atters to sanaged in, Kilk	ity, o the Co in,	 uncil ir	•••		287, 3: 357, 8: 4: 2: 4: 4:
of the land, to certify m Councils, public matters to be m See Ordinances. Council (Great). See General Index—Dublic counter Rolls. Between the Sheriff and Coroner, county.	their du atters to anaged in, Kilke	ity, o the Co in,	 uncil ir	•••		287, 81 357, 86 41 20 41 40
of the land, to certify m See Ordinances. Council (Great). See General Index—Dubli counter Rolls. Between the Sheriff and Coroner, county. Assessing common fines on,	their du atters to anaged	ity, o the Co in,	uncil ir	•••		287, 81 857, 86 4 22 41 40
of the land, to certify m Councils, public matters to be m See Ordinances. Council (Great). See General Index—Dublicunter Rolls. Between the Sheriff and Coroner, county. Assessing common fines on, Division of counties,	their du	othe Coin,	uncil ir	•••		287, 81 357, 84 4 20 41 40
of the land, to certify m See Ordinances. Council (Great). See General Index—Dubli counter Rolls. Between the Sheriff and Coroner, county. Assessing common fines on,	their du atters to sanaged in, Kilk	enny, W	uncil ir	•••		

	Subject.					Page.
County—continued.						
Wardens of the peace in,	•••		•••			379, 35
Community of, to elect Sher		roners				32.
Dublin, too scattered for Kir						* **
, Sheriff of, not to inte				•••		199
Kildare, to be a county, with		II CIBOO	•,	•••		
Meath, —	ouerin,	•••	•••			i
See Knights of the Si	hire.	•••	•••	•		!
County Court.						1
Attorneys in,						2:
No barrator suffered in,		•••				1 7
Pleas of trespass in,		•••				. 97
	•••	•••	•••	•••		1
Court Christian. Pleas of lay fee, and advowso	ns of chur	ches no	t to be ple	eaded in	L	24
— of tithes in,		***	***	•••		123
Jurisdiction of, in ecclesiasti			•••	•••	:	155
testamen			•••	•••	••••	187
when prohibition r	regented	••••	•••	•••		13
marriage and excommunics	divorce,	•••			•••	189, 191
Arommunios	tione	•••	•••	•••	•••	189
To enquire, &c, as to champ	erty, main		e, and perj		•••	439
ourts, Inferior.	•					
Their jurisdiction restrained	,	•••	•••	•••	•••	75, 159
rokards. See False Money.						
t					1	
rosses.	1				1	350
Fraudulently erected on land	18,	•••	•••	•••	•••	153
rosses. (Bishop's lands, except	ed from li	berties)	•			
Lay tenants of, not to answe				ies.		183
Grant towards subsidy by ter					m	237
As to capturing felons in,	•••	•••				289
See Templars.	•••	•••	•••	•••	1	
•					i	
Frown Dobts. See Debts.					1	
Dul in Vita.					1	
Writ of, for femme covert,	•••	•••	•••	•••	[111
,					1	
ulan (Irish mode of arranging t	he hair)				1	
not to be used by Englishme	n,	•••	•••	•••	1	211
_						
Ourtesy of England.					,	
Tenant by, defined,	•••	•••	•••	•••	••• ,	21
alienations of,	•••	•••	•••	•••	•••	93, 95
dom of Iroland					l	
Custom of Ireland.					- 1	
As to testators' goods,	•••	•••	•••	•••	•••	227
					1	
Sustoms.					1	
Of Dublin and other cities co	murmea,	•••	•••	•••		11

		1	Subject.					Page.
Custom	s on Merchandise.							
	w customs and evil t		hibited.		•••	•••		17
	to collection of, in t			•••	•••	•••		327
	tomers, &c., in ever					•••		361
	all new customs gra			,,				479
	d charges, as to gran		•••	•••	•••	•••	•••	588
			D.					
Damag	os.							
	widows for dower w	ithheld.						27
	approvement of con		•••	•••		•••		28
	novel disseisin, mort				and besa		•••	91, 93
	disseisins in Londor		•••	•••		•••		101
	wreck unlawfully to		•••	•••	•••			58
						•••		78
	disseisin with robbe		•••		•••	•••		75
	waste by guardian,		•••	•••				95
	darrein presentment				•••	•••	•••	117, 128
	overcharge of pastu		•••	•••,	•••	•••		125
			•••	•••		•••		131
	4 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		•••		•••	•••		185
	unlawful distress,		•••	•••	•••	•••		159
	unlawful summons				•••			ib
	inst sheriffs, for fal					no write		161,168
	destruction of dyke						•••	178
_	statutes merchant,	~ ,		•••		•••	•••	102-3
	persons injured by	armies l	od witho	ut licen		•••	•••	208
	robberies, imposed					•••		254
	Damages.	011 011 0,.		,	•••	•••	•••	
	_							۰,
	trespasses against		houses,	•••	•••	•••	•••	49
	unlawful disseisins,			•••	•••	• •	•••	69
	ainst purchasers of			,	•••	•••	•••	78
	arrests out of the j			•••;	····	•••	•••	78
	r preventing liberty			ing's of	ncers to p	pay,	•••	29
	false exceptions in	novel di	sseisin,		•••	***	•••	144
	re-disseisin,	•••	•••	•••	•••	•••	•••	147
	altering return of		•••	•••	•••	•••	•••	30
	r assessing fines ille		•••	•••	•••	•••	•••	28
	those who come no		and Cry	',	•••	•••	•••	287
	r interfering with t		•••	. •••	•••	•••	•••	44
	those selling vitual				•••	***	•••	37
On	constables, etc., tal	king wro	ngful fe	es,	•••	•••	•••	38
Treble	Damages.							1
	sheriffs not acquitt	ing deb	tors,	•••	•••	•••	•••	6
	undue purveyance,		•••	•••	•••	•••	•••	7:
	waste by tenant for			•••	•••	***		9.
Ag	ainst procurers of su	uits,	•••		•••	•••	•••	15
Ag	ainst mayors and b	ailiffs n	eglecting			Statute		1
0	bourers,		•••	•••	•••	•••		37
Åσ	ainst ship-owners	for co	nveying	labour	ers, &c.	, out o		1

	Subject.					Paçe.
Darreis Presentment.						
Assises of, in the circuit,	***	•••				. 11, 17
, in the counties,	•••	***	•••	•••		1 11
pleadings in, writ, &c.,	•••	•••	•••	•••	•••	. [12
See Assises.						1
Dobt.						1 .
Due to the King, by a decease	ed,	•••	•••	•••	•••	
Kings', seizure of,	•••	•••	•••	•••	•••	
pardon of, acquittance of,	•••	•••	•••	•••		34
acquittance of,	•••	•••	•••	•••	•••	41
paid to sheriffs, enquir	ry as to,	···	_:··.	•••	•••	49
paid to sheriffs, enquire account of levying, to	be render	red at th	e Exche	quer,	•••	10
writ or, saved,	•••	•••	•••	•••	•••	35.
Not to be attermined out of t		quer,	•••	•••	•••	415
Acquittances of, to be entered	in rolls,	•••	•••	•••		139
Writ of Elegit in,	····	. :::	. •••	•••	•••	443
Of Irish, remedy against the		debtor,	•••	•••	•••	1
Crown Debts, as to pardon of,	•••	•••	•••	•••	•••	5.7
leceit.						ļ
By serjeants and pleaders,						71
Dy sorloante and preaders,	•••	•••	•••	•••	•••	,
Deeds;						
Proof of, in assises of novel di	sscisin.	•••	•••	•••		147
Witnesses to,	′	•••	•••	•••	[3 01
					l	
Default:					}	01
Judgment by,	•••	•••		•••		81
By means of untrue essoins, p				•••	•••	81, 97
Of husband or other tenant fo			· land,	•••	•••	111-117
Of the meane, in acquitting the		•••	•••	•••]	129
May be recorded at Nisi Prius	,	•••	•••	•••		303
Denization.					ł	
		.:	(L:	:111	j	527
Charter of, for Irishmen, only	on condi	tion pro	bosea (p	11),	•••	02,
Devise.					- 1	
By tenants in dower,						27
	•••	•••	•••		•••	
_ ,						
					- 1	
			•••	•••		9, 28
Disparagement. Of wards in marriage,			•••	•••		9, 28
Disparagement. Of wards in marriage, Disselsin.		•••	•••	•••		·
Olsparagement. Of wards in marriage, Olsselsin. Of freeholds, liberties, &c., pro	 ohibited,		•••	•••		17, 69
Disparagement. Of wards in marriage, Disselsin. Of freeholds, liberties, &c., pro Of Dower, damages on,	 ohibited, 		 		1	17, 69 27
Disparagement. Of wards in marriage, Disselsin. Of freeholds, liberties, &c., pro				•••		17, 69 27 27, 127,
Disparagement. Of wards in marriage, Distelsin. Of freeholds, liberties, &c., pro Of Dower, damages on, Re-disseisin after recovery,	•••	•••	•••	•••		17, 69 27 27, 127, 147
Disparagement. Of wards in marriage, Disselsin. Of freeholds, liberties, &c., pro Of Dower, damages on, Re-disselsin after recovery, By officers of the King,		•••	•••			17, 69 27 27, 127, 147 69
Disparagement. Of wards in marriage, Disselsin. Of freeholds, liberties, &c., pro Of Dower, damages on, Re-disseisin after recovery, By officers of the King, With force and robbery,		••• ••• •••				17, 69 27 27, 127, 147 69 75
Disparagement. Of wards in marriage, Of freeholds, liberties, &c., pro Of Dower, damages on, Re-disseisin after recovery, By officers of the King, With force and robbery, Writ of, for and against heirs,	•••	•••				17, 69 27 27, 127, 147 69 75 83, 85
Disparagement. Of wards in marriage, Disselsin. Of freeholds, liberties, &c., pro Of Dower, damages on, Re-disseisin after recovery, By officers of the King, With force and robbery, Writ of, for and against heirs, In London, punishment of,						17, 69 27 27, 127, 147 69 75
Disparagement. Of wards in marriage, Of freeholds, liberties, &c., pro Of Dower, damages on, Re-disseisin after recovery, By officers of the King, With force and robbery, Writ of, for and against heirs,	•••					17, 69 27 27, 127, 147 69 75 83, 85
Disparagement. Of wards in marriage, Of freeholds, liberties, &c., pro Of Dower, damages on, Re-disseisin after recovery, By officers of the King, With force and robbery, Writ of, for and against heirs, In London, punishment of, See Fines, Guardian.	•••					17, 69 27 27, 127, 147 69 75 83, 85
Disparagement. Of wards in marriage, Of freeholds, liberties, &c., pro Of Dower, damages on, Re-disseisin after recovery, By officers of the King, With force and robbery, Writ of, for and against heirs, In London, punishment of, See Fines, Guardian.	•••					17, 69 27 27, 127, 147 69 75 83, 85
Disparagement. Of wards in marriage, Distelsin. Of freeholds, liberties, &c., proof Dower, damages on, Re-disseisin after recovery, By officers of the King, With force and robbery, Writ of, for and against heirs, In London, punishment of, See Fines, Guardian. Distress.						17, 69 27 27, 127, 147 69 75 83, 85 101

ь	abject.					Page.
tress — continued.						
For castle ward,					•••	1
For debts to the King,	•••	•••	•••			11, î
Not to be taken out of the prope	or foo			•••		6
		•••	•••	•••	•••	1
Not to be driven out of the cour	ıcy,	•••	•••	•••	•••	
Detained in castles,	•••	•••	•••	•••	••••	1
Not to be taken on aliens,	•••	•••	•••	•••	•••	6
Cessavit in default of,	••	•••	•••	•••	•••	8
Replevin upon,	•••	•••	•••	•••	•••	111, 1
Shall be made by known bailiffs	,	•••	•••	•••		12
To compel appearance,	•••	•••	•••	•••		8
rorce.						
Jurisdiction of court christian i	n.		•••	•••		19
King's prerogative in restoring		after,	•••	•••		
						Ì
Wer. Assignment of,						
	•••	•••	•••	•••	•••	
Damages against deforceor of,	•••	•••	•••	•••	•••	
Devise of produce of lands in,	•••	•••	•••	•••	•••	
Writ of (unde nihil habet), abat	•	•••	••	•••	•••	1
Tenant in, waste by,	•••	•••	•••	•••	•••	
alienation by,	•••	•••	•••	•••	•••	_
Writ of, not barred by collusive	recovery	,	•••	•••	•••	1
———— against a guardian,	•••	•••	•••	•••	•••	1
Admeasurement of,	•••	•••	•••	•••	•••	1
Forfeiture of, by adultery,	•••	•••	•••	•••	•••	1
ces (apparel.) Irish mode of, penalty on English mode of, English, not the Irish mode of,				 	•••	2
Defendant in rape, not to have	the,		•••	•••		4
	•]
Fess. By great lords and others forbid	lden.					2
_	,				•••	_
/kes. Repair of,		•••				1
	E.					
elected (their counts newcons		esions)				
ciesiastics (their courts, persons, Custody of vacant dignities,	wire bosse	2010HB)	•			9,
Amercement of clerks		•••		•••	•••	,
	***	•••	•••	•••	•••	
Jurisdiction of courts christian	• .	•••	•••	•••	•••	24, 18 187, 18
						1
Ecclesiastical crimes in cognisa				. :::		1
Oppression of religious house		sons ea	ting or	lodging	there	١
uninvited, by pensions, &c.	• .	•••	•••	•••	•••	49, 2
Delivering clerks indicted to the	eir ordins	ry,	•••	•••	•••	
Actions by, and their successors		•••	•••	•••	•••	83, 1
						148
Alienations by religious houses						1

			Subject.					Page
clesiastics—con	tinual							
Archbishops,	hishons.	&c s	ummoned	to oreas	t council	s and p	arli a -	1
ment,	···					P		195, 25
,			***					281, 3
Not to send t				•••	•••	•••		2
Only those o	f the E	nglish	nation to	be recei	ived into	the reli	gious	۱ .
orders,	•••	•:•		••;	;	•••	•••	2
No Irishman			imitted to	a religio	us house,		•••	445, 4
Saving for, in Impositions n	purvey:	auces,	d by prior	a aliona	•••	•••	•••	2
Irish clerks, f	aithful	whiect	a not to l	a excluc	ed from	benefices	. &c.	4
To use the Kr							'	4
Villeins not to	o be adm	itted to	o Holy ord		ut their	lord's con	sent,	4.
As to exempt	ion of al	bbots, d	&c., from c	ontribut	ion to pro	octors' sal	laries	
(bill),		•••				•••		5:
Elections to d					e Pope,	•••		54 56
Irishmen bene					•••	•••	[55 55
Pardon to pur Native Irish						•••	•••]	560-
			ry, Court C		Mortmai			
ctions.	0 01001 010	, own	g, court c	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	ILLOI CHECKE		l	
To be free,	•••	•••			•••	••	[5
To bishoprics,	&c., to 1	be free	,	•••	•••	•••		545, 547
	•		•					557
Shall not be d	listurbed	by th	e Pope,	•••	•••	•••	[54
git.							- 1	
Writ of,	•••	•••	•••	•••	•••	•••		13
							ŀ	
gland, law of. For Irish robl	hama						- 1	١,
And of Irelan		me	•••	•••	•••	•••	- :::	2
To be kept in			•••	•••	•••	•••	[2
as to bastards				•••	•••	•••		2
Laws and cu		f, as i	n K. Joh	n's char		e observ	ed in	
Ireland,		•••	•••	•••	•••	•••	[23, 3
			bserved in			• • •		3
As to life and					_		•••	29
Same law for				•••	***	•••	•••	32 40
Law and cust			toms of E	naland t	mnamitt	ad by we	it for	10
			Ireland, se					
			ii oiunu, so	Davier.	ac, co pa	,	1	
gland and the Residents in,			o defense	of their l	Iriah nro	nerty	1	201, 39
Magnates in,							:::	37
Only those of								
orders,		•••	•••	•••	•••	•••	٠	27
English not t		war w	ith Englis	sh and Ir	ish,	•••		38
English not t	o use the	e cular	ı (Irish m	ode of a	arranging	the hai	r), or	
	Irishmen	,	. :::_		,	****	•••	21
dress as	a miliah man	n regu	ires differe	ent punis	nment fr	om killir	ng an	
Killing an Er				•				
Killing an Er Irishman	1,	•••	•••		•••	•••		
Killing an Er	ı, g Irish dı	 ress, &	c., to be tr	eated as	Irish,	•••		ü

Su	ibject.					Page.
England and the English—continu	ad					
English in Ireland forsake their		a draga	manna	wa ka		431
					•••	433
No alliance to be between Engli			: : T		 thoas	200
No difference of allegiance betw	_		III IFE	INIU NIIU	спове	197
in England,			•••	•••	•••	437
English not to stir up war with	English	and Iris	n,			459
lieges born in Ireland n						5 7 5
See Brehon law, Con-						
$Gossipred, \ L$					rcnes,	
Marriage, Na	mes, Tru	ces, Kidii	ng, Sta	ple.		
Entry.						
Writ of, change of limit.		•••	•••	•••		29, 77
voucher to warranty o	n.	•••		•••	•••	77
no voucher out of the	line.	•••	•••	•••	•••	79
		•••		•••		83
voucher to warranty of no voucher out of the by and against heirs, damages in, on alienation by tenan	···	•••			•••	91
on elianation by tenan	··· tin dow	···	•••	•••	•••	95
on alteracion by tenan	be and	toaw.	•••	•••	•••	
for heir against heir o	oy cur	coy,	•••	•••	•••	113
for neir against neir of	r allenee,	,	•••	•••	•••	141
Error.						
Bill of exceptions on,						151
Errors in records, &c., to be corn	···	the Inia	h Dowli	amont	•••	
Errors in records, &c., to be corr	ecou in	the IIIs	n rain	ашен,	•••	406
Escape.						
				***		53
Action against gaoler for,	•••	•••	•••	•••		103, 135
To be adjudged only after the p	 artu ana	wer in a		of record	•••	447
To be adjudged only after one p	ar vy and	WCI III &	prace (n rocoru,	•••	22/
Escheators.						
To take same fees as in England	L	•••			٠.	351
Sheriffs to act as—a in England			•••	•••		357, 423
	-, 	•••	•••	•••		423
No officers of Chancery or Exch		be (bill)	•••	•••	•••	522
As to qualifications, and duties						525
Statuta as to confirmed	or (Diri),		•••	•	•••	ib
Statute as to, confirmed, Duties of, defined,	•••	•••	•••	••	•••	
Duties of, defined,		•••	•••	•••	•••	ib
To appoint deputies of sufficient	t means,	•••	•••	•••	•••	577
Escheats						1
Escheated lands to be leased on	man haan					343
	_	•	•••	•••	•••	
Of baronies, &c.,	•••	•••	•••	•••	•••	17
Essoin.						
After appearance, not allowed in	appiga					81 07
After appearance, not allowed in	T despiso?	•••	•••	•••	•••	81, 97,
One only for an newscamers						149 81
One only for co-parcerners,	•••	•••	•••	•••	•••	
One only for husband and wife,		•••	•••	•••	•••	97
None for an appellor,	•••	•••	•••	•••	•••	137
Of ultra mare,	•••	•••	•••	•••	•••	81
De malo lecti,	•••	•••	•••	•••	•••	189
After inquest,	•••	•••	•••	•••	•••	149
Talmana mamā						
Estrepement.						
Pending plea in London.	•••	•••	•••	•••	•••	99
See also Waste.						i

Subject.					Page.
Estreatz.					1
Of fines by justices,	•••	•••	•••	•••	269
Exceptions.					1
False, in Novel Disseisin,	•••		•••	•••	145
See also Bill.					1
Exchange of Money.					225
Tables at Dover,	•••	•••	•••	•••	223
King's, in England and Ireland,	•••	•••	•••	•••	~
Exchequer.					l
Provisions made in the,	•••	•••	•••	•••	41
Process of the, shall be shown to debtors		•••	•••	•••	63
Summons of the, on estreats of justices.		•••	•••	•••	65 269
Estreats of fines in the circuits, into the	•	•••	•••	•••	45, 355,
No common pleas in,	•••	•••	•••		45, 350, 413
Accounts of the counties by sheriffs in,		***	•••		41
Proceedings against accountants in,	•••	•••	•••		183
In relation to sheriffs' accounts,	•••	•••	•••		415
Time limited for pleas in,	•••	•••	•••		289
Debts to be attermined in,	•••	•••	••		355
Justiciar to enquire as to officers of,	•••	•••	•••		287
Offices in the, not to be performed by de	puty,	•••	•••		575
Fees of Marshal of,	•••	•••	•••	•••	357, 385, 457
Of Ireland, seal of,	•••	•••	•••		294
Excommunication.		•		1	
Persons excommunicated not bailable,	•••	•••			59
Prelates attached for excommunicating,		•••	•••		189
Excommunicated persons to make satisfa		the Cl	hurch,		433
imprisonment in d	lefault o	of maki	ng such,]	ib.
not to be countenance			or his offic	cers,	441
Of persons contravening the Statutes of				. :··	467
In St. Canice's, Kilkenny, against viole a Parliament there,	ators of		nces made	- 1	275
Prayer to be absolved from above sentence	•••	•••	•••	(307
Against contraveners of ordinances at Di		•••	•••		291
	- ,	•••	•••		
Execution.				- 1	
On foreign voucher in London,	•••	•••	•••		99
by elegit,	•••	•••	•••		139
Of process, resistance to,	•••	•••	•••		165 299
On obligations, &c., recorded,	•••	•••	•••		173
On obligations, act, recorded,	•••	•••	•••		2.0
Executors.				- 1	
Of the King's debtor,	•••	•••	•••]	13
Answerable for aid to marry a daughter	•••	•••	•••		75
Action of account by,	•••	•••	•••		143
Re-summons by, in plea of ward,	•••	•••	•••		157
Of a testator answerable in Court Christ	ıan,	•••	•••		187
Exile.					
Of a freeman, by law only		•••	•••	l	17
	•			,	

	S	ubject.					Page.
Extortion.							
By sheriffs, &c., punish	ment of.		•••				6
By clerks of justices,			•••				il
By officers of courts,	•••	•••	•••	•••	•••	•••	71, 17
yre.							i
Amercements by justic	es in.					•••	6
Delivery of writs and			ttorneys	in,	•••	•••	131-
							i I
		F.					t
airs.							ĺ
Not to be held in chur	chyards,			•••	•••	'	25
Seal for Statute Merch	ant in,	•••		•••	•••	•••	10
alcons.							I
None to buy or sell,							49
2.020 00 02, 01 000,	See Impr	i s onmen	t.	•••	•••	•••	į - -
aise Judgments.	•						1
Amercements for, in e	vre.						. 6
	,,	•••	•••	•••	•••	•••	1
aise Money. Regulations as to sear	ch, assay	and seiz	zure,	•••	•••	•••	213, 22 228
Importation prohibite	d,	•••	•••	•••	•••		213, 22
Forfeiture of,		:	•••	• • •	•••	•••	22
Seized, to be brought	to the Ex	change,	•••	•••	• • • •	•••	28
Condemned,	 -3- 001			•••	•••	•••	28
Ballards, 213. Croka	See Mon		onards,	•••	•••	••	221, 23 289
alse News.		٠,٠					200
Penalty for publishing	r .		•••				7
renarry for publicating	,,	•••	•••	•••	•••	•••	
aise Returns.							
Of writs by sheriffs,	•••	•••	•••	•••	•••	•••	16
· 005.							
None on criminal inqu	isitions,	•••	•••	•••		•••	1
To sheriffs and other		•••	•••	•••			69, 39
							468
To marshals, chamber			•••	• • •	•••		167, 85
Of Marshals of the Be		obecue		eta blee	of anatla		29
Of Marshals of the De	iliciios, 122	cneque	, and con	p fee n I Cap	OI COMPLICE	,	38 455
To doorkeepers, chiro	raphers.	judges'	clerks, &	c.,			1 17
To clerk of Statutes	nerchant,	• • • •	•••		•••	• • • • • • • • • • • • • • • • • • • •	
Of customers in ports		•••	•••	•••	•••	•••	86
Of justices, change in	date of p	ayment	,	• • • •	•••	•••	19
For bill of grace in la			•••	•••	•••	•••	29
of sheriff, co. Kildare		•••	•••	•••	•••	•••	21
	re caatie.		•••	• • • •		• • • •	í
Of constable of Kilda		e Esche					

	Subject.					Page.
felens and Feleny.	·					7
Forfeiture of lands of.		•••				1 1
Suit and process for arrest of,	•••	•••		•••	•	
Inquests of felonies,	•••	•••		•••	•••	25
Punishment of felons refusing			•••	•••		1 5
Country people to pursue,	oo promu,		•••	•••	•••	20
Feoffments made with intent to	o commit	felony s	hio			
Pursuit of felons,	•••				•••	1
	•••	•••	•••	•••	•••	587
Sheriffs and seneschals in cros	sses, libe	rties and	l count	ies, to a	d one	
another in capturing fel			•••			289, 381,
	•					451
Felons in woods, no protection	to,	•••	•••	•••	•••	325
receivers of, to be impriso			•••	•••	•••	397
Felony, pardon for, when and h		table.	•••	•••	•••	294
Felonies in Ireland, persons no						351
Rape—felony,	•••	•••			•••	155
Truce breaking—felony,	•••			•••	•••	327
Favouring Irish against the per		nv.	•••	•••	•••	329
• • •		-		•••	•••	,
See also Armour.	Hue an	a Cry.	1 mpris	onmen L		
ooffment.						
By guardians of a ward's land,	shall be	dianciain				.,
	SHRIL DG			•••	•••	. 53
Priority of, gives wardship,	···	•••	•••	•••	•••	139
Made with felonious intent void	1,	•••	•••	•••	•••	271, 289.
Fishensh II Geo Guleida					i	383, 453
Fifteenth." See Subsidy.					J	
nec.					1	
On disseisin and redisseisin,	•••		•••			27, 75
On the county, assessing,	•••				<u> </u>	63
For escapes and concealment of		•••	•••	•••		53, 55
Estreats of, into the Exchequer		•••	•••	•••	··· _I	269
For redemption to be paid in m				•••	•••	327
For reachipment of the part in in	ioney, no	U III COWE	•	•••	••• ;	341
nes of Land.						
Required to bar femes covert,			•••	•••	•••	93
By donees in tail shall not bar	their hei	rs.	***	•••		109
-,		•			1	
sh.						
Time of taking salmon,	•••	•••	•••	•••		175
Grants of, towards a subsidy,	•••	•••	•••	•••	••••	231
Forestellers of, proclamation ag	gainst,	•••	•••	•••		401
Regulations for purchase of,	•••		•••	•••	•••	ib.
					- 1	
sheries.					!	
Conservators of,	•••	•••	•••	•••	•••	175
					ŀ	
orcibie Entry.					:	
Against,	•••	•••	•••	•••	}	515
					ļ	
west.					1	
As to summons of those dwelling	-		•••	•••	•••	17
To be disafforested,	•••	•••	••	•••	•••	19
						E 1
Justices of the,	•••	•••	•••	•••	•••	51

	Subject,					Page.
restaliers.	-					
Statute of, confirmed,	•••	•••				266n,26
Of fish, proclamation against,	•••	•••				40
To be attached,			•••	•••	•••	25
	•••	•••	•••	•••	•••	
rfoiture.						ì
Of lands of felons,	•••				•••	1 1
Of office, for extortion,	•••	•••	•••	•••		71, 17
Of lands, on cessavit,	•••	•••	•••	•••	•••	'-, -
aliened in mortmain						1 3
conveyed, for fraudu	ilent nu	Those.				4
By tenant for life, on waste,	pu	- pooo,	•••	•••		1 7
Goods forfeited, to be seized by	v the sh	eriff				393, 4
Chattels forfeited to remain in				· · · ·	•••	32
Of life and goods, for bringing					•••	25
	Tarse II	ioney int	o me rea	ш,	•••	**
rmedon. In descender, &c., on alienation	n by tea	nant in t	ail,	•••		10
sterage.	-					l
None to be between English as	nd Engl	ich or Tri	iah anam	ios		38
Between English and Irish pro			ISH 6E6III	ica,	•••	
perween which and their bu	OHIDI OOG	l,	•••	•••	•••	412, 48
urcher.						588
By essoin, by parceners,			•••			1 :
by eason, by parceners, by man and wife,	•••			•••	•••	
— by man and wife,	••	•••	•••	•••	•••	١ '
inchises and Liberties.						ı
Arresting felons within,	•••	•••				
Excess of jurisdiction in,			•••	•••	•••	75, 18
Claims to, and proceedings the			•••	•••	•••	87, 89,
Lay tenants of a cross and cler						18
Writs of prohibition usurped b						î
Lords of, protections by,	y bonce	one,	•••	•••	•••	271, 2
to punish artificers a	nd labo	in	thair fra		•••	49
				•	•••	19
As to judges, where franchises				•••	•••	
Seneschals to aid in capturing			r moerty,		••••	28
not to be officers of t			,	•••	••••	32
Officers of, may pursue felons		dable lan	ıd,	•••	•••	381, 44
King's original writ not running				···	•••	30
Jurisdiction of lords of, in brin		ions to j	ustice, sa	ved,	•••	30
Outlaws not to be received in,	•••	•••	•••	•••	•••	32
Return of writs in,	:••	•••	•••	•••		163, 80
Enactments against trespassers		•••		•••	•••	28
None to grant pardons within,	••	•••	•••	•••		32
uds.						
By feigned recoveries in Londo	n,	•••	•••	•••		8
choids or Free Tenements.					1	
Writ of Justiciar of Ireland ne	cessarv	in disseis	ins,			
						17, 6
			torad.	•••		34
None shall be disseised of, again		to be res	wieu.			
		to be res	wrea,	•••		
None shall be disseised of, again		to be res	wrea,	•••		
None shall be disseised of, again English lieges in Ireland ousted	d from,					18, 5 17, 41

					Page.	
Fresh Suit. After felons, See Hue and Cry.			•••		55, 2	
Fugitives and Villelus. See Write.						
G).					
Bames. See Archery, Coilings, Falcon	is, Hurlin	gs.				
Gessipred.				,	l I	
Between English and Irish forbid	den.		•••		43	
Grace. See Bill.						
Grain. As to its not being exported durin	ig d ear th,	•••	•=	•••	52	
Quardian.						
To take reasonable issues, do no w Feofiment of wards' lands by, is d		up houses	s, parks, å 		9, 67, 9 83, 14	
н	l .					
Hawking. See Falcons.					1	
Heirs.						
Relief of,		• •••	•••	•••		
Marriage of,			 		7, 17 9, 28, 29	
Marriage of, Holding by divers services, wards			•••	•••	9, 28, 29	
Marriage of, Holding by divers services, wards Bastards shall not inherit,	 hip of,		···		9, 28, 29 15 29, 33	
Marriage of, Holding by divers services, wards Bastards shall not inherit, Non-age of, when it shall delay su	hip of,		•••	•••	9, 28, 29 15 29, 33 93, 165	
Marriage of, Holding by divers services, wards Bastards shall not inherit, Non-age of, when it shall delay su Of a wife, not barred without fine			•••	•••	9, 28, 29 15 29, 33 93, 165	
Marriage of,	hip of, 			•••	9, 28, 29 15 29, 33 93, 165	
Marriage of, Holding by divers services, wards Bastards shall not inherit, Non-age of, when it shall delay su Of a wife, not barred without fine	hip of, entry by a	 and against			9, 28, 29 15 29, 33 93, 165 93	
Marriage of,	hip of,	and against		•••	9, 28, 25 29, 33 93, 165 91 115	
Marriage of,	hip of,	and against			9, 28, 25 15 29, 33 93, 165 91 115 83	
Marriage of, Holding by divers services, wards Bastards shall not inherit, Non-age of, when it shall delay su Of a wife, not barred without fine Writ of dower against, Of disseisee, alience, &c., writs of Writ of entry for, on alienation b Writ of advowson for, Cessavit by and against, Of a debtor by statute merchant,	hip of,	and against			9, 28, 23 15 29, 33 93, 165 93 111 85 91 117 141	
Marriage of,	hip of,	and against in dower, 			9, 28, 23 15 29, 33 93, 165 93 114 85 94 117 141	
Marriage of,	hip of,	and against in dower, 			9, 28, 23 15 29, 33 93, 165 93 111 85 91 117 141	
Marriage of,	hip of,	and against in dower, 			9, 28, 23 15 29, 33 93, 165 93 111 85 91 117 141	
Marriage of,	hip of,	and against in dower 			9, 28, 21 29, 33, 18 93, 18 11! 83 91 11: 14: 100 65	
Marriage of, Holding by divers services, wards Bastards shall not inherit, Non-age of, when it shall delay su Of a wife, not barred without fine Writ of dower against, Of disseisee, alience, &c., writs of Writ of entry for, on alienation b Writ of advowson for,	hip of,	and against in dower,			9, 28, 21 29, 33 93, 16 11! 83 11: 14: 10: 63	
Marriage of,	hip of, iits, entry by a by tenant : how liab	and against in dower,			9, 28, 21 29, 33, 18 93, 18 11! 83 91 11: 14: 100 65	
Marriage of,	hip of, iits, entry by a by tenant : how liab	and against in dower,			9, 28, 21 11 29, 33 93, 16 81 11 83 11 14 10 63	

Subject.				Page.
Homage.				
By co-parceners,	•••			30
Of crown tenants, as to authority to chief gove	ernor to	receive,	•••	583
Homicide.			İ	!
Inquests of,				57
Pardon of, when and how grantable, See Appeal.				294, 323
Hospitaliers.				
Their crosses not to be fraudulently set up,	•••	•••	•••	158
Jurisdiction of keepers of privileges of,	•••	•••	•••	169
Hostages.				
For peace, to be kept in the King's castles.				325
Execution to be made on, on Irish renewing w	ar,	•••	•••	448
Ancient custom of Ireland as to, cited,				ib.
Hue and Crv.				
Against felons, all shall follow,	•••			55, 203 247, 249
				271
Attachment of clergy for not making,	•••	•••	•••	179
In default of, country people answerable,	•••	•••	•••	255
By night watch in towns, Against roving bands, demanding victuals, &c.	•••	•••	•••	283, 377
As to arraignment of those who come not to,	·, ···	•••	•••	287
Sheriffs and bailiffs armed, to follow,	•••	•••	•••	257
After takers of victuals against owner's will,	•••	•••	•••	447
Norma desa da				
Hundreds.				299
Guarding and farming,	•••	•••	•••	il.
Execution of writs by hundreders,	•••	•••	•••	1 30
Hurlings (Irish). With club and ball, forbidden,	•••			439
Husband and Wife. See Baron and feme.				l
Husbandry.				
In Ireland injured by labourers going to Engle	and,	•••	•••	569
l.				
Idemen. To be taken and imprisoned,	_			204
To have lands in fee or farm, if willing,			•••	379, 449
See Imprisonment, Ker	nes.	•••	•••	-,,
Impounding beasts. Belonging to Irish pasturing on land,	•••	•••] 445
imprisonment.				1
By the law of the land only,				7, 416
None to suffer, without inquest avowed by law		•••	•••	361
Of re-disseisors,	•••	•••	•••	27
Of purveyors, acting contrary to statutes, &c.,	,	•••	•••	49, 78
Of those acting illegally in wreck,	•••	•••	•••	53
Of officers neglecting Hue and Cry, &c.,		•••		55

Of wardens of the peace, refusing King's commission or negligent in duty,		Subject.					Pag
Of felons standing mute, For ravishment of ward, Of officers bailing offenders not bailable, Of trespassers in parks, Of pleaders, for deceit, For excessive toll, For excessive toll, For invention of slanderous reports, Of debtors by statute merchant, Of disturbers of advowsons, Of defaulting accountants, Of appellors of felony, False, action for, against sheriffs, Of idlemen, Of illemen, Of illemen, Of illemen, Of those refusing service, Of labourers and servants leaving service, Of receivers of felons, For resistance to execution of process, For poachers in rivers, Of those bringing false money into the realm, On false exceptions in Novel disaction, Of makers and receivers of protections for evil purposes, Of such as give to beggars, able, but refusing to work, Of custables, ac., taking excessive fees, or treating prisoners severely, Of those allying themselves with Irish by marriage or fosterage. Of those allying themselves with Irish by marriage or fosterage. Of those allying themselves with Irish by marriage or fosterage. Of those allying the exceution mandates, —— using Brehon or March law, Of sheriffst taking excessive fees, ——— taking fees for withernam. Of sheriffst taking excessive fees, ——— taking fees for withernam. Of excommunicated persons not making satisfaction to the church, For use of firish language by English, or Irish among the English, For English riding otherwise than in the English fashion, For engaging in Irish games of hurling and coiting, Of maintainers of excommunicated persons, For receiving Irish ministrels, For parlying with rebels, Of officers negligent in pursuit of felons, Of those holding land, &c., by force,	risonment - continued						
For ravishment of ward, Of officers bailing offenders not bailable, Of trespaseers in parks, Of pleaders, for deceit, For excessive toll, For invention of slanderous reports, Of debtors by statute merchant, Of disturbers of advowsons, Of defaulting accountants, Of appellors of felony, False, action for, against sheriffs, —— on illegal arrest, Of idlemen, Of English using Irish dress and mode of wearing hair, Of those refusing service, Of labourers and servants leaving service, Of labourers and servants leaving service, Of receivers of felons, For resistance to execution of process, For poachers in rivers, Of those bringing false money into the realm, On false exceptions in Novel disseisin, Of thoselers, kernes and idlemen, roving in bands, Of trespassers in liberties, baronies, &c., Of makers and receivers of protections for evil purposes, Of such as give to beggars, able, but refusing to work, Of chieftains not punishing their own retainers, Of wardens of the peace, refusing King's commission or negligent in duty, Of wardens of the peace, refusing King's commission or negligent in duty, Of those allying themselves with Irish by marriage or fosterage. Of English truce breakers, ————————————————————————————————————							. 1
Of officers bailing offenders not bailable, Of trespassers in parks, Of pleaders, for deceit, For excessive toll, For invention of slanderous reports, Of debtors by statute merchant, Of disturbers of advowsons, Of defaulting accountants, Of appellors of felony, False, action for, against sheriffs, Of ildemen, Of English using Irish dress and mode of wearing hair, Of those refusing service, Of receivers of felons, For resistance to execution of process, For poachers in rivers, Of those bringing false money into the realm, Of hobelers, kernes and idlemen, roving in bands, Of trespassers in liberties, baronies, &c., Of makers and receivers of protections for evil purposes, Of such as give to beggars, able, but refusing to work, Of chieftains not punishing their own retainers, Of wardens of the peace, refusing King's commission or negligent in duty, Of corstables, &c., taking excessive fees, or treating prisoners severely, Of those allying themselves with Irish by marriage or fosterage. Of English truce breakers, —— using Brehon or March law, Of sheriffs taking excessive fees, —— taking fees for withernam. Of sheriffs taking fees for withernam. Of sheriffs taking fees for withernam. Of sheriffs taking excessive fees, —— holding pleas of withernam. Of excommunicated persons not making satisfaction to the church, For use of Irish language by English, or Irish ameng the English, For English riding otherwise than in the English fashion, For engaging in Irish games of hurling and coiting, Of maintainers of excommunicated persons, For peacitying with rebels, Of officers negligent in pursuit of felons, Of those holding land, &c., by force, Of those holding land, &c., by force,	For ravishment of ward		•••	•••	•••		1 00 1
Of pleaders, for deceit, For excessive toll, For invention of slanderous reports, Of debtors by statute merchant, Of disturbers of advowsons, Of defaulting accountants, Of appellors of felony, False, action for, against sheriffs, on illegal arrest, Of idlemen, Of English using Irish dress and mode of wearing hair, Of those refusing service, Of labourers and servants leaving service, Of receivers of felons, For resistance to execution of process, For poachers in rivers, Of those bringing false money into the realm, On false exceptions in Novel disseisin, Of those bringing false money into the realm, Of such as give to beggers, able, but refusing to work, Of such as give to beggers, able, but refusing to work, Of chieftains not punishing their own retainers, Of wardens of the peace, refusing King's commission or negligent in duty, Of constables, &c., taking excessive fees, or treating prisoners severely, Of those allying themselves with Irish by marriage or fosterage. Of English truce breakers, ——using Brehon or March law. Of sheriffs taking excessive fees, ——bolding pleas of withernam. Of sheriffs taking excessive fees, ——bolding pleas of withernam. Of sheriffs taking excessive fees, ——bolding pleas of withernam. Of excommunicated persons not making satisfaction to the church, For use of Irish language by English, or Irish among the English, For English riding otherwise than in the English fashion, For excepting Irish minatrels, For receiving Irish minatrels, For receiving Irish minatrels, For parleying with rebels, Of officers negligent in pursuit of felons, Of those conveying labourers out of the land, For buying and selling hawks, &c., For those holding land, &c., by force,	TOT THY INCIDENCE OF WALL,	•••	•••	•••	•••	•	i
Of trespassers in parks, Of pleaders, for deceit, For excessive toll, For invention of slanderous reports, Of debtors by statute merchant, Of disturbers of sdvowsons, Of defaulting accountants, Of appellors of felony, False, action for, against sheriffs, On illegal arrest, Of idlemen, Of English using Irish dress and mode of wearing hair, Of those refusing service, Of labourers and servants leaving service, Of receivers of felons, For resistance to execution of process, For poachers in rivers, Of those bringing false money into the realm, On false exceptions in Novel disscisin, Of those bringing false money into the realm, Of such as give to beggars, able, but refusing to work, Of such as give to beggars, able, but refusing to work, Of chieftains not punishing their own retainers, Of wardens of the peace, refusing King's commission or negligent in duty, Of corstables, &c., taking excessive fees, or treating prisoners severely, Of those allying themselves with Irish by marriage or fosterage. Of those hindering the King's officers, Of sheriffs taking excessive fees, holding pleas of withernam. Of sheriffs taking excessive fees, holding pleas of withernam. Of excommunicated persons not making satisfaction to the church, For use of Irish language by English, or Irish among the English, For English riding otherwise than in the English fashion, For excepting irish minstrels, For receiving Irish minstrels, For receiving Irish minstrels, For parleying with rebels, Of frefractory labourers, Of those holding labourers out of the land, For buying and selling hawks, &c., For those holding land, &c., by force,	Of officers boiling offendens	at ballabl	_				1 1
Of pleaders, for deceit, For excessive toll, For invention of slanderous reports, Of debtors by statute merchant, Of disturbers of advowsons, Of defaulting accountants, Of appellors of felony, False, action for, against sheriffs, ———————————————————————————————————	Of Assessment 1 1		е,	•••	•••		
For excessive toll, For invention of slanderous reports, Of debtors by statute merchant, Of disturbers of advowsons, Of defaulting accountants, Of appellors of felony, False, action for, against sheriffs, Of idlemen, Of English using Irish dress and mode of wearing hair, Of those refusing service, Of labourers and servants leaving service, Of receivers of felons, For resistance to execution of process, For poachers in rivers, Of those bringing false money into the realm, Of those bringing false money into the realm, Of those bringing false money into the realm, Of those bringing false money into the realm, Of those bringing false money into the realm, Of those bringing false money into the realm, Of those bringing false money into the realm, Of slue exceptions in Novel disscisin, Of makers and receivers of protections for evil purposes, Of makers and receivers of protections for evil purposes, Of such as give to beggars, able, but refusing to work, Of chieftains not punishing their own retainers, Of wardens of the peace, refusing King's commission or negligent in duty, Of corstables, &c., taking excessive fees, or treating prisoners severely, Of those allying themselves with Irish by marriage or fosterage. Of English truce breakers, Of serjeants for not executing mandates, ——using Brehon or March law. Of serjeants for not executing mandates, ——taking fees for withernam. Of serjeants for not executing mandates, ——taking fees for withernam. Of excommunicated persons not making satisfaction to the church, For use of Irish language by English, or Irish among the English. For engaging in Irish games of hurling and coiting, Of maintainers of excommunicated persons, For parleying with rebels, Of officers negligent in pursuit of felons, Of frefractory labourers, Of those conveying labourers out of the land, For buying and selling hawks, &c., For those holding land, &c., by force,			•••	••	•••	•••	1 !
For invention of slanderous reports, Of debtors by statute merchant, Of disturbers of advowsons, Of defaulting accountants, Of appellors of felony, False, action for, against sheriffs, ——————————————————————————————————		•••	•••	•••	•••	•••	
Of desturbers of advowoms, Of defaulting accountants, Of appellors of felony, False, action for, against sheriffs, Of illemen, Of English using Irish dress and mode of wearing hair, Of those refusing service, Of Iabourers and servants leaving service, Of receivers of felons, For resistance to execution of process, Of those bringing false money into the realm, Of those exceptions in Novel dissessin, Of those bringing false money into the realm, Of those bringing false money into the realm, Of those bringing false money into the realm, Of these and receivers of protections for evil purposes, Of these and receivers of protections for evil purposes, Of makers and receivers of protections for evil purposes, Of such as give to beggars, able, but refusing to work, Of chieftains not punishing their own retainers, Of wardens of the peace, refusing King's commission or negligent in duty, Of corstables, &c., taking excessive fees, or treating prisoners severely, Of those allying themselves with Irish by marriage or fosterage. Of English truce breakers, ———————————————————————————————————				•••	•••	•••	:
Of disturbers of advowsons, Of defaulting accountants, Of appellors of felony, False, action for, against sheriffs, Of idlemen, Of English using Irish dress and mode of wearing hair, Of those refusing service, Of labourers and servints leaving service, Of receivers of felons, Of receivers of felons, Of those bringing false money into the realm, Of those bringing false money into the realm, Of those bringing false money into the realm, Of those bringing false money into the realm, Of those bringing false money into the realm, Of the sexceptions in Novel dissersin, Of trespassers in liberties, baronies, &c., Of makers and receivers of protections for evil purposes, Of such as give to beggars, able, but refusing to work, Of chieftains not punishing their own retainers, Of wardens of the peace, refusing King's commission or negligent in duty, Of constables, &c., taking excessive fees, or treating prisoners severely, Of those allying themselves with Irish by marriage or fosterage. Of English truce breakers, Of those hindering the King's officers, Of serjeants for not executing mandates, Of sheriffs taking excessive fees, Of manutainers of excommunicated persons, For rengaing in Irish games of hurling and coiting, Of manutainers of excommunicated persons, For parleying with rebels, Of officers negligent in pursuit of felons, Of those conveying labourers out of the land, For buying and selling hawks, &c., For those holding land, &c., by force,			•••	•••	•••	•••	1 .
Of defaulting accountants, Of appellors of felony, False, action for, against sheriffs, Of idlemen, Of idlemen, Of English using Irish dress and mode of wearing hair, Of those refusing service, Of labourers and servants leaving service, Of receivers of felons, For resistance to execution of process, For poachers in rivers, Of those bringing false money into the realm, On false exceptions in Novel disseisin, Of mokers and receivers of protections for evil purposes, Of such as give to beggars, able, but refusing to work, Of chieftains not punishing their own retainers, Of wardens of the peace, refusing King's commission or negligent in duty, Of corstables, &c., taking excessive fees, or treating prisoners severely, Of those allying themselves with Irish by marriage or fosterage. Of serjeants for not executing mandates, ————————————————————————————————————	Of debtors by statute merchs	ınt,	•••	•••		• • •	10
Of appellors of felony, False, action for, against sheriffs, — on illegal arrest, Of idlemen, — on illegal arrest, Of those refusing service, Of those refusing service, Of labourers and servants leaving service, Of receivers of felons, — corresistance to execution of process, Of those bringing false money into the realm, Of those bringing false money into the realm, Of hobelers, kernes and idlemen, roving in bands, Of trespassers in liberties, baronies, &c., Of makers and receivers of protections for evil purposes, Of such as give to beggars, able, but refusing to work, Of chieftains not punishing their own retainers, Of wardens of the peace, refusing King's commission or negligent in duty, Of corstables, &c., taking excessive fees, or treating prisoners severely, Of those allying themselves with Irish by marriage or fosterage. Of English truce breakers, — using Brehon or March law, Of those hindering the King's officers, Of serjeants for not executing mandates, — taking fees for withernam. Of sheriffs taking excessive fees, — holding pleas of withernam. Of excommunicated persons not making satisfaction to the church, For English riding otherwise than in the English fashion, For engaging in Irish games of hurling and coiting, Of maintainers of excommunicated persons, For receiving Irish minstrels, For parleying with rebels, Of officers negligent in pursuit of felons, Of refractory labourers, Of those holding land, &c., by force,	Of disturbers of advowsons,	•••	•••	•	•••] 12
Of appellors of felony, False, action for, against sheriffs, — on illegal arrest, Of idlemen, — on illegal arrest, Of those refusing service, Of those refusing service, Of labourers and servants leaving service, Of receivers of felons, For resistance to execution of process, For resistance to execution of process, For poschers in rivers, Of those bringing false money into the realm, On false exceptions in Novel disscisin, Of hobelers, kernes and idlemen, roving in bands, Of trespassers in liberties, baronies, &c., Of makers and receivers of protections for evil purposes, Of such as give to beggars, able, but refusing to work, Of chieftains not punishing their own retainers, Of wardens of the peace, refusing King's commission or negligent in duty, Of corstables, &c., taking excessive fees, or treating prisoners severely, Of those allying themselves with Irish by marriage or fosterage. Of English truce breakers, — using Brehon or March law, Of serjeants for not executing mandates, — taking fees for withernam. Of sheriffs taking excessive fees, — holding pleas of withernam. Of sheriffs taking excessive fees, — holding pleas of withernam. Of excommunicated persons not making satisfaction to the church, For engaging in Irish games of hurling and coiting, Of excommunicated persons not making satisfaction to the church, For engaging in Irish games of hurling and coiting, Of maintainers of excommunicated persons, For receiving Irish minstrels, For parleying with rebels, Of officers negligent in pursuit of felons, Of those holding land, &c., by force, Of those holding land, &c., by force,	Of defaulting accountants,	•••	•••	•••	•••		13
False, action for, against sheriffs, on illegal arrest, of idlemen, for English using Irish dress and mode of wearing hair, of those refusing service, of labourers and servants leaving service, of receivers of felons, for peachers in rivers, of those bringing false money into the realm, on false exceptions in Novel dissessin, of thoselers, kernes and idlemen, roving in bands, of trespassers in liberties, baronies, &c., of makers and receivers of protections for evil purposes, of chieftains not punishing their own retainers, of wardens of the peace, refusing King's commission or negligent in duty, for corstables, &c., taking excessive fees, or treating prisoners severely, of those allying themselves with Irish by marriage or fosterage. of those hindering the King's officers, of serjeants for not executing mandates, —— using Brehon or March law. of sheriffs taking excessive fees, —— holding pleas of withernam. of sheriffs taking excessive fees, —— holding pleas of withernam. of excommunicated persons not making satisfaction to the church, of excommunicated persons not making satisfaction to the church, of excommunicated persons not making satisfaction to the church, of excommunicated persons not making satisfaction to the church, of er engaging in Irish games of hurling and coiting, of maintainers of excommunicated persons, or receiving Irish minstrels, or parleying with rebels, of officers negligent in pursuit of felons, of officers negligent in pursuit of felons, of refractory labourers out of the land, or those holding land, &c., by force,							13
on illegal arrest,							13
Of English using Irish dress and mode of wearing hair, Of English using Irish dress and mode of wearing hair, Of those refusing service, Of labourers and servants leaving service, Of receivers of felons, For resistance to execution of process, For poachers in rivers, Of those bringing false money into the realm, On false exceptions in Novel disseisin, Of hobelers, kernes and idlemen, roving in bands, Of trespassers in liberties, baronies, &c., Of such as give to beggars, able, but refusing to work, Of chieftains not punishing their own retainers, Of wardens of the peace, refusing King's commission or negligent in duty, Of corstables, &c., taking excessive fees, or treating prisoners severely, Of those allying themselves with Irish by marriage or fosterage. Of English truce breakers, Of those hindering the King's officers, Of serjeants for not executing mandates, ————————————————————————————————————							52
Of English using Irish dress and mode of wearing hair, Of those refusing service, Of labourers and servants leaving service, Of receivers of felons, Of those bringing false money into the realm, Of those bringing false money into the realm, Of false exceptions in Novel disseisin, Of hobelers, kernes and idlemen, roving in bands, Of trespassers in liberties, baronies, &c., Of such as give to beggars, able, but refusing to work, Of chieftains not punishing their own retainers, Of wardens of the peace, refusing King's commission or negligent in duty, Of constables, &c., taking excessive fees, or treating prisoners severely, Of those allying themselves with Irish by marriage or fosterage. Of those hindering the King's officers, Of serjeants for not executing mandates, Of serjeants for not executing mandates, Of serjeants for not executing mandates, Of excommunicated persons not making satisfaction to the church, Of excound not executing mandates, Of excound not executing mandates, Of excound not executing mandates, Of excound not executing mandates, Of serjeants for not executing mandates, Of serjeants for not executing mandates, Of serjeants for not executing mandates, Of serjeants for not executing mandates, Of excound not executing mandates, Of serjeants for not executing mandates, Of serjeants for not executing mandates, Of serjeants for not executing mandates, Of serjeants for not executing mandates, Of refractory labourers of excommunicated persons, Of maintainers of excommunicated persons, Of maintainers of excommunicated persons, Of refractory labourers, Of those conveying labourers out of the land, Of officers negligent in pursuit of felons, Of those holding land, &c., by force,		Coo					20
of those refusing service, of labourers and servants leaving service, of receivers of felons, or resistance to execution of process, or poachers in rivers, of those bringing false money into the realm, of those bringing false money into the realm, of hobelers, kernes and idlemen, roving in bands, of trespassers in liberties, baronies, &c., of makers and receivers of protections for evil purposes, of such as give to beggars, able, but refusing to work, of chieftains not punishing their own retainers, of wardens of the peace, refusing King's commission or negligent in duty, of corstables, &c., taking excessive fees, or treating prisoners severely, of those allying themselves with Irish by marriage or fosterage. of English truce breakers, of those hindering the King's officers, of serjeants for not executing mandates, of sheriffs taking excessive fees, of holding pleas of withernam. of excommunicated persons not making satisfaction to the church, or use of Irish language by English, or Irish among the English, or registing in Irish games of hurling and coiting, or engaging in Irish games of hurling and coiting, or receiving Irish minstrels, or parleying with rebels, or parleying with rebels, or parleying with rebels, or those holding land, &c., by force, or those holding land, &c., by force,							21
Of labourers and servants leaving service, Of receivers of felons,	Ot Trugusti district trient dicess a	ina mode o	I MOSLII	ig nair,	•••	•••	1
Of receivers of felons,			•••	•••	•••	•••	36
For resistance to execution of process,		ving servic	e,	•••	•••		36
For poachers in rivers, If those bringing false money into the realm, In false exceptions in Novel disseisin, If those bringing false money into the realm, If those bringing false money into the realm, If hobelers, kernes and idlemen, roving in bands, If trespassers in liberties, baronies, &c., If makers and receivers of protections for evil purposes, If such as give to beggars, able, but refusing to work, If chieftains not punishing their own retainers, If chieftains not punishing their own retainers, If wardens of the peace, refusing King's commission or negligent in duty, If corstables, &c., taking excessive fees, or treating prisoners severely, If those allying themselves with Irish by marriage or fosterage. If those hindering the King's officers, If those hindering the King's officers, If serjeants for not executing mandates, If sheriffs taking excessive fees, If holding pleas of withernam. If excommunicated persons not making satisfaction to the church, If or English riding otherwise than in the English fashion, If maintainers of excommunicated persons, If maintainers of excommunicated persons, If officers negligent in pursuit of felons, If officers negligent in pursuit of felons, If officers negligent in pursuit of the land, If officers negligent in pursuit of the land, If officers negligent labourers out of the land, If officers negligent labourers out of the land, If officers negligent labourers out of the land, If officers negligent labourers out of the land, If officers negligent labourers out of the land, If officers negligent labourers out of the land, If officers negligent labourers out of the land, If officers negligent labourers out of the land, If officers negligent labourers out of the land, If officers negligent labourers out of the land, If officers negligent labourers out of the land, If officers negligent labourers out of the land, If officers negligent labourers out of the land, If these holding land, &c., by force,			•••	•••		• •	38
of those bringing false money into the realm,	for resistance to execution o	f process,	•••	•••	•••	•••	163
on false exceptions in Novel disseisin, If hobelers, kernes and idlemen, roving in bands,	for poachers in rivers,	•••	•••	•••	•••		177
Of false exceptions in Novel disseisin, Of hobelers, kernes and idlemen, roving in bands, Of trespassers in liberties, baronies, &c., Of makers and receivers of protections for evil purposes, Of such as give to beggars, able, but refusing to work, Of chieftains not punishing their own retainers, Of wardens of the peace, refusing King's commission or negligent in duty, Of corstables, &c., taking excessive fees, or treating prisoners severely, Of those allying themselves with Irish by marriage or fosterage. Of English truce breakers, Of those hindering the King's officers, Of serjeants for not executing mandates, Of serjeants for not executing mandates, Of sheriffs taking excessive fees, Of serjeants for not executing mandates, Of serjeants for not executing mandates, Of sheriffs taking excessive fees, Of serjeants for not executing mandates, Of sheriffs taking excessive fees, Of refused in Irish games of withernam. Of excommunicated persons not making satisfaction to the church, Of engaging in Irish games of hurling and coiting, Of maintainers of excommunicated persons, Of refractory labourers, Of those conveying labourers out of the land, Of bying and selling hawks, &c., Of those holding land, &c., by force,	of those bringing false mone	y into the	realm,	•••	•••	•••	223
of hobelers, kernes and idlemen, roving in bands,							147
of trespassers in liberties, baronies, &c., If makers and receivers of protections for evil purposes, If such as give to beggars, able, but refusing to work, If chieftains not punishing their own retainers, If wardens of the peace, refusing King's commission or negligent in duty, If corstables, &c., taking excessive fees, or treating prisoners severely, If those allying themselves with Irish by marriage or fosterage. If English truce breakers, If those hindering the King's officers, If those hindering the King's officers, If serjeants for not executing mandates, If sheriffs taking excessive fees, If holding pleas of withernam. If excommunicated persons not making satisfaction to the church, If or engaging in Irish games of hurling and coiting, If maintainers of excommunicated persons, If or parleying with rebels, If officers negligent in pursuit of felons, If those conveying labourers out of the land, If or buying and selling hawks, &c., If or those holding land, &c., by force,			in hand				283
f makers and receivers of protections for evil purposes, f such as give to beggars, able, but refusing to work, f chieftains not punishing their own retainers, f wardens of the peace, refusing King's commission or negligent in duty, f corstables, &c., taking excessive fees, or treating prisoners severely, ff those allying themselves with Irish by marriage or fosterage. f English truce breakers, using Brehon or March law, ff those hindering the King's officers, ff serjeants for not executing mandates, holding pleas of withernam. ff excommunicated persons not making satisfaction to the church, or use of Irish language by English, or Irish among the English, or English riding otherwise than in the English fashion, or engaging in Irish games of hurling and coiting, ff maintainers of excommunicated persons, or parleying with rebels, ff officers negligent in pursuit of felons, ff those conveying labourers out of the land, or buying and selling hawks, &c., or those holding land, &c., by force,				,			285
f such as give to beggars, able, but refusing to work, f chieftains not punishing their own retainers,							id
of chieftains not punishing their own retainers,							
Of wardens of the peace, refusing King's commission or negligent in duty,							371
of wardens of the peace, refusing King's commission or negligent in duty, for corstables, &c., taking excessive fees, or treating prisoners severely, for those allying themselves with Irish by marriage or fosterage. S87 Fenglish truce breakers,	or colectains not punishing t	neir own r	etainers	,	•••	•••	313, 379,
duty, of corstables, &c., taking excessive fees, or treating prisoners severely, of those allying themselves with Irish by marriage or fosterage. Of English truce breakers, ———————————————————————————————————					••		449
Of corstables, &c., taking excessive fees, or treating prisoners severely, Df those allying themselves with Irish by marriage or fosterage. Of English truce breakers,		using King	's comn	nission of	r n e glige	nt in	
Of those allying themselves with Irish by marriage or fosterage. Of English truce breakers,		•••	•••	•••	•••		385, 455
Of English truce breakers,	Of constables, &c., taking exc	essive fees	, or trea	ting prise	oners seve	rely,	387, 457
using Brehon or March law. Of those hindering the King's officers. Of serjeants for not executing mandates, taking fees for withernam. Of sheriffs taking excessive fees, holding pleas of withernam. Of excommunicated persons not making satisfaction to the church, For use of Irish language by English, or Irish ameng the English. For English riding otherwise than in the English fashion, For engaging in Irish games of hurling and coiting, Of maintainers of excommunicated persons, For parleying with rebels, Of officers negligent in pursuit of felons, Of refractory labourers, Of those conveying labourers out of the land, For buying and selling hawks, &c., For those holding land, &c., by force,	Of those allying themselves v	vith Irish t	oy marri	age or fo	sterage.		337
using Brehon or March law. Of those hindering the King's officers. Of serjeants for not executing mandates, taking fees for withernam. Of sheriffs taking excessive fees, holding pleas of withernam. Of excommunicated persons not making satisfaction to the church, For use of Irish language by English, or Irish ameng the English. For English riding otherwise than in the English fashion, For engaging in Irish games of hurling and coiting, Of maintainers of excommunicated persons, For parleying with rebels, Of officers negligent in pursuit of felons, Of refractory labourers, Of those conveying labourers out of the land, For buying and selling hawks, &c., For those holding land, &c., by force,	Of English truce breakers,	•••	•••	••••	•••		387, 459
of those hindering the King's officers. If serjeants for not executing mandates, ———————————————————————————————————		arch law.		•••	•••		389, 437
of serjeants for not executing mandates, — taking fees for withernam. of sheriffs taking excessive fees, — holding pleas of withernam. of excommunicated persons not making satisfaction to the church, or use of Irish language by English, or Irish among the English, or English riding otherwise than in the English fashion, or engaging in Irish games of hurling and coiting, or receiving Irish minstrels, or receiving Irish minstrels, or parleying with rebels, of officers negligent in pursuit of felons, of refractory labourers, of those conveying labourers out of the land, or buying and selling hawks, &c., or those holding land, &c., by force,						- 1	391, 459
Of sheriffs taking excessive fees,							393
Of sheriffs taking excessive fees,			-,			i i	397
Df excommunicated persons not making satisfaction to the church, For use of Irish language by English, or Irish among the English, For English riding otherwise than in the English fashion, For engaging in Irish games of hurling and coiting, Df maintainers of excommunicated persons, For parleying Irish minstrels, Df officers negligent in pursuit of felons, Df refractory labourers, Df those conveying labourers out of the land, For buying and selling hawks, &c., For those holding land, &c., by force,						- 1	
of excommunicated persons not making satisfaction to the church, so use of Irish language by English, or Irish among the English, so English riding otherwise than in the English fashion, so the english riding otherwise than in the English fashion, so the engaging in Irish games of hurling and coiting, so the engaging in Irish games of hurling and coiting, so the english ministrels, so the english ministrels, so the english ministrels, so the english ministrels, so the english ministrels, so the english ministrels, so the english ministrels, so the english ministrels, so the english ministrels, so the english ministrels, so the english ministrels, so the english ministrels, so the english ministrels, so the english ministrels, so the english fashion fashion fashion fashion fashion fashion fashion fashion fashion fashion fashion fashion			•••			1	397. 465
For use of Irish language by English, or Irish among the English. For English riding otherwise than in the English fashion, For engaging in Irish games of hurling and coiting, If maintainers of excommunicated persons, For receiving Irish minstrels, For parleying with rebels, Of officers negligent in pursuit of felons, Of refractory labourers, Of those conveying labourers out of the land, For buying and selling hawks, &c., For those holding land, &c., by force,	noiding pleas of	withernam.	` 4 * - 6				397
For English riding otherwise than in the English fashion, For engaging in Irish games of hurling and coiting, Of maintainers of excommunicated persons, For receiving Irish minstrels, For parleying with rebels, Of officers negligent in pursuit of felons, Of refractory labourers, Of those conveying labourers out of the land, For buying and selling hawks, &c., For those holding land, &c., by force,							433
For engaging in Irish games of hurling and coiting, Of maintainers of excommunicated persons, For receiving Irish minstrels, Of officers negligent in pursuit of felons, Of refractory labourers, Of those conveying labourers out of the land, For buying and selling hawks, &c., For those holding land, &c., by force,							435
Of maintainers of excommunicated persons,	For English riding otherwise	than in th	e Englis	h fashior	l,	•••	ib.
For receiving Irish minstrels,	For engaging in Irish games o	of hurling	and coit	ing,	•••	•••	439
For receiving Irish minstrels,	Of maintainers of excommuni	cated pers	ons,	•••	•••		441
For parleying with rebels,				•••			447
Of officers negligent in pursuit of felons, 367, Of refractory labourers, 4 Of those conveying labourers out of the land, For buying and selling hawks, &c., For those holding land, &c., by force,				•••	•••		449
Of trefractory labourers, 4 Of those conveying labourers out of the land, For buying and selling hawks, &c., For those holding land, &c., by force,	Of officers negligent in pursu					- 1	453
Of those conveying labourers out of the land,	Of refractory labourers						367, 369,
Of those conveying labourers out of the land, For buying and selling hawks, &c., For those holding land, &c by force,	or remember a mourers,	•••	•••	•••	•••	- !	
For buying and selling hawks, &c.,	06 4b	and of the	land			1	465
For those holding land, &c., by force,			ıацц,	•••		•••	519
			•••	•••	•••		491
For disturbance by provisors.	for those holding land, &c.,	by force,		•••	•••		515
	or anone morared remarkant						

	Subject.					Page
nclosures.						1
Restoration of, by vills, if d	estroved in	the nigh	t			17
			,	•••	•••	-
maicavit. Writ of.						١.,
WIICOI,	•••	•••	•••	•••	•••	12
nfant.	•					ł
Lands of, restraint of waste	on,	•••	•••	•••	••	1
Usury not to run against,		•••	•••			2
Disseisor or disseisee, in assi	ise,	•••	•••	•••	•••	8
May sue by next friend,		· · · ·	:	•••	•••	85, 18
Warranty of, on alienation	or lands by	teme cov	ert,	•••	•••	16
nhoritance.						l
Those born before wedlock of See Heirs.	annot inhe	erit,				29. 8
	_					l
nquests. (Inquisitions—Office	B).					١.
Of life or limb, without fee	(writ, &c.)		•••	•••	•••	57
Of homicide,	P	•••	•••	•••	•••	57, 9
Of malefactors, under seal, & Not to be delayed by absence		 	 da 6-	•••	•••	30
In pleas of land, how to be t		aca w uca		•••	•••	"
		•••	•••	•••		
Lands not to be seized under	r,	•••	•••	•••		5
To be returned into Chancer		•••		•••	•••	1
No scire facias under, for tri			•••			
ntestate. See Administration.						
Great charter of King Henry	y 111.,	•••	4**	•••	•••	2
Same as that of England, Same law for the Irish as for	- the Frei	ah	•••	•••	•••	32
Laws and customs of Englan			ond	•••	•••	21, 3
naws and concome or migran	id to be kel)	PIICE	•••	•••	587
	n King Johi	n's charte	r to be k	ent in Irela	and.	23, 3
Common law and usages of I				•••		30
Statute of lands given in fre				Ireland,		21, 21;
Certificate to Ireland of t	he law a	nd custo	na of F	England as	to	
co-parceners,	···	•••	•••	•••		3
Custom of Ireland as to the		testator,	•••	•••	•••	22
Ordinance for the state of Ir	eland,	•••	•••	•••	•••	293, 408
Statute of Include 10 Fd.	TT					470 31
Statute of Ireland, 19 Edw. 1 Law and custom of Ireland of		••	•••	•••	•••	40
Ancient custom as to hostage		•••	•••	•••		44
Statute merchant extended t		•••	•••	•••		10
Customs and usages of, save		•••		•••		28
eland and the Irish.						
State of, petitions to the Kir		swers,	•••	•••		38
Petitions in parliament, on b			•••	•••	•••	470
				•••	•••	56
	to Englan	a by the		•••	•••	41:
	•••	•••	•••	•••	•••	470 48
Declaration as to, sent to Ki State of. to be truly certified Grievous state of Ireland, Weak state of Ireland,			council,	•••		4

Subject.					Page.
Ireland and the Irish—continued.					
King's presence necessary in, &c.,	•••	•••	•••	•••	485, 487 5 63
Depredations in, satisfaction for.	•••	•••	•••	• • •	41
Ireland to have its liberties, &c.,	•••	•••	•••	••	5 05 , 52
government of, by Thomas,	archbisho	p of Di	ublin, a	good	
precedent,		•••		•••	5€ 2%:
Irish admitted to English law, to use			liie and		
at war, regulations as to army, t	ruces, &c.	,	•••	•	203, 205 207
, as to treating for peace wi	+h			• • •	21:
, not to be supplied with vio	ctuals. &c.			•••	365
at peace or in truce, not to be at	tacked.	,		•••	207
against the peace, none to favour		•••	•••	•••	324
people of a county when attacked	d. to rise o		•••	•••	207
- war against the, Leinster to make	e.	_,	•••		217
take advantage of woods and bog	8 ,	•••	•••	•••	209
and English, dissensions between	•	•••	•••	•	417
dress and mode of wearing hair, n	not to be	practised	by Eng	li sh ,	211
and English, marriage prohibited — not to pasture on lands at peace,	between,	•••	•••	•••	412
- nut to pasture on lands at peace,	•••	•••	•••		445
No Irishman to be presented to a ber	aefice or a	dmitted	to a reli	giou	
house,	•••	_ •••		•••	ib.
No Irishman or Scot to be presented	to a bene	fice or a	sdmitte d	to a	401
religious house,	. •••	_ •••.		•••	481
None to sell necessaries to Irishmen no			lieges,	•••	499
Irish enemies not to pass the sea, on po				•••	527
Irishmen and Irish clerks, beggars, to d		_	and,	•••	560
——— beneficed in Ireland to dwell		 h			ri.
Native Irish not to be presented to ber	lences or	•	STR RELAST		561
parliament, parliament, parliament,		•••	•••	•••	560-1
Irish revenues to be retained for public		•••	•••	•••	565
enemies, the Pope's sanction to			to be so	nght.	il.
See Absentees, Coining, Concubina					•••
and English, Felons, Foster	rane. Gos	nipred.	Imprison	meni.	
Justiciar, Language, Marriag	ne. Names	Officer	. Parlie	ment.	
Peace, Rebellion, Riding, True		, - 20.000	,		
18406.	., .,			į	
Taken by sheriff, guardian, &c., to be re	easonable,	•••	•••	••• ,	9
On the great distress,	•••	•••	•••		81
Misleading returns of, by sheriffs,	•••	•••	•••		163
J.					
ews.					3.00
Excepted from statute merchant,	•••	••	•••	••••	103
oint tenants.					
Action of waste between,					141
Parceners shall do only one suit,	•••			•••	30
One biller to only one but,	•••	•••	•••	•••	JV
uries					
Jury of a neighbourhood to assess dam	ages,	•••	•••	•••	203
Who ought to be put in, and who exen		•••	•••	•••	151, 159
See Challenge.	-				1
▼					

		Subject.				:	Page.
ris Utrum.							
Writ of,		•••	•••	•••	•••	•••	14
stice.							
Not to be sold		•••			1		
To be done to all poor and rich,							4
stices.							
	to have commi	ssions as, w	ithout th	e King	's Council		28
For holding assises, gaol delivery, &c., Assigned, the Chief Justiciar to enqui					•••		269, 28
			e as to,	•••	•••		28
Of the Bench,	See Assises, Fe	an Laksama	un Mini 1	 Davissa 10		• • •	i
	Dec Assists, Pr	es, Lacoure	rs, 14151 I	rius, r	euce		
sticiar of Irelai	nd.						
	le current, &c.,		:::	•••	•••		
	ssary in disseis					•••	il
	oresentatives of , to enquire as					•••	23 28
	council, ordina			-onodae	., w.,	•••	37, 21
		,,	•••	•••			277
His authority	saved, in hear	ing cases in	the eyr	в,			, 28
During office,	not to purchas	e land in h	is jurisdi	iction, o	r take vi		
against con		to avil dan		•••	•••	•••	29 41
As to election	to enquire as			•••	•••		
Election of, in		•••	•••	•••		•••	58
			•••				
		K.					'
ernes and idlen							9.0
	save in their o		3 8,	•••	•••		32 377, 44
	more than he		t. &.c		•••		20
Not to be kep		•••			04		
	of, hue and cr			st			28
	also Idlemen.						
ling. The		ada amainat	hin dabi				11, 1
Levying his o	lebts, and rem	cri agains	nie den	ωrn,	•••	•••	63, 41
							415
Acquittance of	of his debtors,	•••	•••	•••	•••	•••	į e
Relief of heir	s of his tenant		•••	•••	•••	•••	1
Is sovereign			onemts er	d in tra	***	••	18
The state of the s						•••	19
	— in aliening	lands held	in chief,		•••		19
	in pardon o	of felony,	•••	•••	•••		29
	in prohibit	ion, saved,		•••	•••	•••	48
	in spiritua				•••	•••	55
	of his lands w			•••	•••	•••	19
Reasons of 111	and re-letting aprofitableness	of his Irish	lands.			•••	38
	y in ecclesiast			•••	•••		24
Profits of his	lands,		•••	•••	•••		42
Escheated las	nds to be lease		security,	•••	•••		34
Offences touc	hing his perso	n, saved.	•••	•••	•••	•••	35

Subject.					Page.
King The—continued.		-			
Summons to war in his service,					25
As to mainprise towards him,	•••	•••	•••	•••	32
His presence necessary in Ireland, &c.,				•••	485, 48
	,	•••	•••	•••	56
See Castles, Debt, Land, Marrie Protection, Service, War		s, Prisa	ge, Prohi	bition,	
(ing's Beach. Sessions of, not to be moved out of the	e county,				52
(nightheed.					!
Aids for,					7
	•••	•••			,
Knights of the Shire.					
Elected to a general parliament.		 		•••	
	ouncm in p	вилаше	116,	•••	215, 26
_					
ah aurawa					
abourers.					
And servants, regulations as to, and the	neir wages,	• • • •	•••		
14	•				465, 48
penalty for taking exce			•••		49
who bound to serve,			•••	••••	217, 36
those refusing, &c., to b	e imprisor	ied,	•••		367, 369
				i	464
	in he the	fortilia	··· of the		215, 36
accounted f	or by the	iertiii	cy or une	- 1	
1299,	•••	•••	•••	••••	21
Allowance of corn to servants,	•••	•••	•••	•••	3
Labourers, not to pass beyond sea,		•••	•••	••• {	46
&c., daily leaving the cour	ntry,		•••	!	51
&c., daily leaving the cour-	the land,	•••	•••	•••	iò
———— action against admirals, &	c., for conv	reying a	away,	!	519
	ngland,	•••	•••		56
Justices of, commissions t	o, repealed	i,	•••		467, 49
	observed i	n Irela	nd,		367, 48
lords of I				sued,	36
Justiciar					- 50
vening					38
sent to 1	mavors, sh	eriffs.	&c., to be	pro-	90.
claime		•••	•••		ü
See Imprisonment.	- ,		•••	- 111	
and.				i	
Held in chief, alienation of,		•••	•••	••••	19
Escheated, to be leased on good securi	ty,	•••	•••	•••	343
Resumed by King's officers, &c., to be r		•••	•••		345, 34
Retaken, to be delivered back, and nev			•••		34
Held by the enemy during truces, not	to remain	in their	r hands,		35
Want in Ireland of improving and mai		•••	•••		il
In Ireland, magnates having, to defend		•••	•••		37
M. C		•••	•••		379, 44
Taken into King's hands, liberty to s					40
The King's, resumption, &c.,	,	•••		:::	
	•••	***	•••		194
seneschals of,	•••	•••	•••	1	42

Subject.				Page.
and continued.				
				42
In the King's hands, letting of,	•••	•••	•••	30
Pleas of, inquests and juries in, how to be taken,	•••	•••	•••	45
Conveyed with fraudulent purpose, forfeited,	iah	•••	•••	44
Of English, &c., at peace, not to be pastured by in &c., as to recovery of,	1011,	•••	•••	58
See England, Ircland, Marches, Senesch	ral.	•••	••• (i
.anguage.				Í
The English, Englishmen in Ireland to use,				48
beneficed persons to use, under pens	altv.	•••		i
The Irish, use of forbidden, under penalty,		•••		435, 58
.arceny. Petty, defined,				5
revey, denned,	•••	•••		
.aw.				
The common, to be maintained,		•••		30
to be used by the English,	•••	•••		389, 48
Neglect of King's officers to execute,	•••		•••	33
See Brehon, England, Ireland, Marche	s.			
Law Merchant.				
Merchants to be governed by,	•••	•••		81
ov too				
Ay fee. Place of mot to be wiseded in Court Christian				2
Pleas of, not to be pleaded in Court Christian,	•••	•••	•••	–
eather. See Staple.				
Liberties.				ļ
And customs, general confirmation,				7, 1
Of Dublin and other cities confirmed,				1
No freeman to be imprisoned, &c., but by law,		•••	•••	17, 4
Sec Franchises.				
Licence of Absence. See Absence.				!
Life and Limb.				
English law as to, Irish admitted to English law	to use.			29
Punishment of, for those selling to, or assisting t		ı		43
		,		
Limitation of Actions.				
In write in Ireland,	•••	•••	•••	3, 2
I hearte Son Coinne				81,7
Livery. See Coigne.				l
Lodging. See Ecclesiastics, Prises.				
M.				
Magna Carta. See Charter.				
•				
Malm.				
Writ of,	•••	•••	•••	٤

_	Subject	t.				Page
ntenance of Suits.						1
By King's officers, forbid	lden,	•••	•••	•••		69, 7 391, 41
By lords of courts, .		•••	•••	•••		159, 17
		•••	•••	•••	•••	177, 4
Ecclesiastical courts to a See Champerty.	enquire as to	, and censu	re,	•••	•••	43
ches.						
Lands in the, feoffments	may be mad	le of,		•••		19
Of Wales, King's sovere	ignty over,	•••	•••	•••		
		•••	•••	•••	•••	199, 2
King or lord to hold, til		rding repaid	d,	•••	•••	27
Felons in the, grandees		•••	•••	•••	•••	30
Dwellers in, not to be or	pressively a	merced,	•••	•••	•••	36
, not to parle	y with the e	nemy,	•••	•••	•••	37
Lands in, owners to resid	de on and de	fend,	•••	•••	•••	39
Enquiry as to state of,			•••	•••	•••	4]
March law, not to be use See Imprisonment.	d by the En	glish,	•••	•••	•••	389, 43
kets.						•
Excessive toll in, forbide	ien,	•••	•••	•••	•••	7
Writ of nuisance for,		•••	•••	•••	•••	14
Not to be held in church		•••	•••	•••	•••	
Clerks of, English state	ute regulati	ng their du	ity as t	o weight	s and	
measures to be ob		elend.	•••	•••	•••	50
do.		onfirmed,	•••	•••	•••	
regulations as to See Fairs, Forest			•••	•••	•••	±18, il
See Fairs, Forest				•••	•••	±18, <i>i</i>
See Fairs, Forest	allers, High	ways.				118, <i>ii</i>
See Fairs, Forest viage. Of heirs in King's wards	allers, High	ways.				32 9, 28, 2
See Fairs, Forest viage. Of heirs in King's wards	allers, High ship to be so	ways. Id,				32 9, 28, 29 67, 139
See Fairs, Forest viage. Of heirs in King's wards ——— in ward,	allers, High ship to be so	ways. Id,				32 9, 28, 2 67, 13: 155
See Fairs, Forest. Tiage. Of heirs in King's wards in ward,	allers, High ship to be so 	ways. Id,				32 9, 28, 2 67, 13 155
See Fairs, Forest. riage. Of heirs in King's wards in ward, Of widows, Free (frank) lands given	allers, High hip to be so					32 9, 28, 2 67, 13: 155
See Fairs, Forest Tiage. Of heirs in King's wards in ward, Of widows, Free (frank) lands given ———————————————————————————————————	allers, High hip to be so					32 9, 28, 2: 67, 13: 155
See Fairs, Forest Tiage. Of heirs in King's wards in ward, Of widows, Free (frank) lands given lands in, lost Aids for,	allers, High ship to be so by default,					32 9, 28, 2: 67, 13: 155
See Fairs, Forest Tiage. Of heirs in King's wards in ward, Of widows, Free (frank) lands given lands in, lost Aids for, Jurisdiction of ecclesias	hip to be so 					32 9, 28, 2: 67, 13: 155 2 11 7
See Fairs, Forest Tiage. Of heirs in King's wards in ward, Of widows, Free (frank) lands given lands in, lost Aids for,	hip to be so 					9, 28, 2 67, 13: 155 2 11 7 18
See Fairs, Forest Tiage. Of heirs in King's wards in ward, Of widows, Free (frank) lands given lands in, lost Aids for, Jurisdiction of ecclesias	hip to be so 					32 9, 28, 2: 67, 13: 155 2 11 7
See Fairs, Forest Tiage. Of heirs in King's wards in ward, Of widows, Free (frank) lands given ———————————————————————————————————	hip to be so 					9, 28, 2: 67, 13: 155 2 11 7 18
See Fairs, Forest riage. Of heirs in King's wards in ward, Of widows, Free (frank) lands given lands in, lost Aids for, Jurisdiction of ecclesias No alliance in, between	nliers, High hip to be so by default, English and					39 9, 28, 2 67, 13: 155 2 111 7 18 387, 41: 433
See Fairs, Forest riage. Of heirs in King's wards in ward, Of widows, Free (frank) lands given lands in, lost Aids for, Jurisdiction of ecclesias No alliance in, between shal. See Fees.	nliers, High hip to be so by default, English and					32 9, 28, 2: 67, 13: 155 2 111 7 18 387, 41: 433
See Fairs, Forestoriage. Of heirs in King's wards in ward, Of widows, Free (frank) lands given lands in, lost Aids for, Jurisdiction of ecclesias No alliance in, between shall. See Fees. Sures. To be uniform throughout In Ireland,	allers, High ship to be so by default, English and	id, in, Irish,				32 9, 28, 22 67, 13: 155 2 11 7 18 387, 41: 433 15, 37 289
See Fairs, Forestoriage. Of heirs in King's wards in ward, Of widows, Free (frank) lands given lands in, lost Aids for, Jurisdiction of ecclesias No alliance in, between shal. See Fccs. Bures. To be uniform throughout In Ireland, Duty of clerk of the main stage.	nllers, High ship to be so by default, English and out Ireland, rket as to, &	id, in, Irish,				32 9, 28, 2: 67, 13: 155 2 11 7, 18 387, 41: 433 15, 37 289 411 500
See Fairs, Forest. Tiage. Of heirs in King's wards. ———————————————————————————————————	nllers, High ship to be so by default, English and out Ireland, rket as to, &	id, in, Irish,				32 9, 28, 2: 67, 13: 155 2 11 7 18 387, 41: 433 15, 37 289 41!
See Fairs, Forest. Tiage. Of heirs in King's wards. ———————————————————————————————————	allers, High hip to be so in, by default, tical courts English and out Ireland, rket as to, & i bushel,	in, Irish,				9, 28, 2: 67, 13: 155 2 11 7 18 387, 41: 433 15, 37 289 41: 50
See Fairs, Forestoriage. Of heirs in King's wards in ward, Of widows, Free (frank) lands given lands in, lost Aids for, Jurisdiction of ecclesias No alliance in, between shall. See Fees. Sures. To be uniform throughout In Ireland, Duty of clerk of the man of corn, by the standard Quarter of London, See Ale, Cloth, C.	allers, High hip to be so in, by default, tical courts English and out Ireland, rket as to, & i bushel,	in, Irish,				332 9, 28, 2 67, 13: 155 2 11 7 18 387, 41: 433 15, 37 289 41 50
See Fairs, Forestoriage. Of heirs in King's wards in ward, Of widows, Free (frank) lands given lands in, lost Aids for, Jurisdiction of ecclesias No alliance in, between shal. See Fees. Bures. To be uniform throughout in Ireland, Duty of clerk of the man of corn, by the standard Quarter of London, See Ale, Cloth, Clates.	nllers, High ship to be so by default, English and out Ireland, rket as to, & 1 bushel,	in, Irish,				332 9, 28, 2 67, 13: 155 2 11 7 18 387, 41: 433 15, 37 289 41 50
See Fairs, Forestoriage. Of heirs in King's wards in ward, Of widows, Free (frank) lands given lands in, lost Aids for, Jurisdiction of ecclesias No alliance in, between shall. See Fees. Sures. To be uniform throughout In Ireland, Duty of clerk of the man of corn, by the standard Quarter of London, See Ale, Cloth, C.	nllers, High ship to be so by default, English and out Ireland, rket as to, & 1 bushel,	in, Irish,				32 9, 28, 2: 67, 13: 155 2 11 7, 18 387, 41: 433 15, 37 289 41: 500 500 37, 28:
See Fairs, Forestoriage. Of heirs in King's wards in ward, Of widows, Free (frank) lands given lands in, lost lands for, Jurisdiction of ecclesias No alliance in, between shal. See Fccs. Sures. To be uniform throughout In Ireland, Duty of clerk of the man of corn, by the standard Quarter of London, See Ale, Cloth, Claces. By great lords and other	nllers, High ship to be so by default, tical courts English and out Ireland, rket as to, & 1 bushel,	in, Irish,				32 9, 28, 22 67, 133 155 2 11 7, 18 387, 412 433
See Fairs, Forestoriage. Of heirs in King's wards in ward, Of widows, Free (frank) lands given lands in, lost Aids for, Jurisdiction of ecclesias No alliance in, between shal. See Fees. Bures. To be uniform throughout in Ireland, Duty of clerk of the man of corn, by the standard Quarter of London, See Ale, Cloth, Clates.	milers, High ship to be so by default, English and out Ireland, rket as to, & 1 bushel,	in, Irish,				32 9, 28, 2: 67, 13: 155 2 11 7, 18 387, 41: 433 15, 37 289 41: 500 500 37, 28:

Subject.				Page.
rchants.				
Amercement of,	•••	•••		13, 5
Strangers and denizens, their privileges, &c.		•••		17, 298
, ,				315, 31
taken under King's protection,		•••		319
robbed and detained by malefactors,	•••	•••		26
Robbed and killed, complaint as to,	•••	•••	•••	57
Injury to, towns to answer for,	•••	•••	•••	31
Sailors to answer for conduct towards,		•••	•••	32
Freedom of merchandise to Wales,	•••	•••	•••	29
Irish and foreign, as to freedom of intercour	se between,	•••		47
Not to trade with Scottish enemies,	•••	•••		29
Recognizances for debts to, by statute merch	ant,		•••	10
Statute of (Acton Burnel), to be observed in	Ireland,	•••	•••	4
	•••	•••	•••	10
not to extend to Jews,	•••	•••	•••	10
See Law Merchant.		•		
sne.				
Proceedings in writ of,	•••	•••	•••	127-13
				1
ning.				
Right of, in Ireland, granted to landowners,	•••	•••	•••	47
nstrels.				47
Irish, not to be received among the English,		•••	•••	58
Case of Donald Omoghane, minstrel, except	εα,	•••	•••	300
See Imprisonment.				
oney.				266*
Statute of, confirmed,	•••	•••	•••	26
Of Incland made summent				20
Of Ireland made current,		•••	•••	5
Counterfeiters of, not bailable,	•••	•••	•••	
The King's, to be current,	•••	•••	•••	245, 25
not to be altered or exchanged,	•••	•••	•••	245, 25 25
depreciators of, to be attached,		•••	•••	25
and moneys of Scotland to be curren		•••	•••	il
	***	•••	•••	23
Regulations for enforcing this,	- 4		• • •	
Regulations for enforcing this, Only sterlings of King's coinage to be current		•••		
Regulations for enforcing this,	ıt, 	•••	•••	
Regulations for enforcing this, Only sterlings of King's coinage to be curren Not to be exported,		•••		237, 239
Regulations for enforcing this, Only sterlings of King's coinage to be curren Not to be exported, Of Edward II., value of,		•••	•••	237, 239
Regulations for enforcing this, Only sterlings of King's coinage to be curren Not to be exported, Of Edward II., value of, See Exchange, False money.		•••		237, 239
Regulations for enforcing this, Only sterlings of King's coinage to be curren Not to be exported,			•••	237, 239 25
Regulations for enforcing this, Only sterlings of King's coinage to be curren Not to be exported, Of Edward II., value of, See Exchange, False money.		•••		237, 239 25 3, 20, 29
Regulations for enforcing this, Only sterlings of King's coinage to be curren Not to be exported, Of Edward II., value of, See Exchange, False money. ort Cancestor. Change in limit, &c.,				3, 20, 29 31, 7
Regulations for enforcing this, Only sterlings of King's coinage to be curren Not to be exported, Of Edward II., value of, See Exchange, False money. ort Cancestor. Change in limit, &c., Damages in,				3, 20, 29 31, 7
Regulations for enforcing this, Only sterlings of King's coinage to be curren Not to be exported, Of Edward II., value of, See Exchange, False money. ort d'ancestor. Change in limit, &c., Damages in, One writ of, for several heirs,				3, 20, % 31, 7 9
Regulations for enforcing this, Only sterlings of King's coinage to be currer Not to be exported, Of Edward II., value of, See Exchange, False money. ort d'ancestor. Change in limit, &c., Damages in, One writ of, for several heirs, Plea in, on writs of cosenage,				3, 20, 29 31, 7 9 9
Regulations for enforcing this, Only sterlings of King's coinage to be curren Not to be exported,				3, 20, 29 31, 7 9, 14
Regulations for enforcing this, Only sterlings of King's coinage to be curren Not to be exported, Of Edward II., value of, See Exchange, False money. ort d'ancestor. Change in limit, &c., Damages in, One writ of, for several heirs, Plea in, on writs of cosenage, Assises of, justices to take, See Assises, Writs.				3, 20, 29 31, 7 9 9
Regulations for enforcing this, Only sterlings of King's coinage to be curren Not to be exported, Of Edward II., value of, See Exchange, False money. ort d'ancestor. Change in limit, &c., Damages in, One writ of, for several heirs, Plea in, on writs of cosenage, Assies of, justices to take, See Assies, Writs. ortmain.				3, 20, 29 31, 7 9 9 14 26
Regulations for enforcing this, Only sterlings of King's coinage to be currer Not to be exported,				3, 20, 29 31, 7 9, 14 26
Regulations for enforcing this, Only sterlings of King's coinage to be curren Not to be exported, Of Edward II., value of, See Exchange, False money. ort d'ancestor. Change in limit, &c., Damages in, One writ of, for several heirs, Plea in, on writs of cosenage, Assies of, justices to take, See Assies, Writs. ortmain.				3, 20, 29 31, 7 9, 14 26
Regulations for enforcing this, Only sterlings of King's coinage to be curren Not to be exported, Of Edward II., value of, See Exchange, False money. ort d'ancestor. Change in limit, &c., Damages in, One writ of, for several heirs, Plea in, on writs of cosenage, Assises of, justices to take, See Assises, Writs. ortmain. Lands not to be aliened in, Fraudulent judgments in, Setting up crosses in lands,				215, 225 237, 239 25 3, 20, 29 31, 7' 93 14 263
Regulations for enforcing this, Only sterlings of King's coinage to be curren Not to be exported,				3, 20, 29 31, 7' 9; 14 26; 15;

Su	bject.					Page.
Murage. Forfeiture of, by abuse,						73
Murder. Pardon of,	•••		•••		•••]	294, 411
Musters. Appearance at, only within the s	hire,	•••	•••			523
Mute. Punishment of felons standing,	···•				•••	57
,	N.				ļ	
•					!	
English, Englishmen to use, Irish, use of, by Englishmen for	 bidden,			•••	•••	435 ib.
Neifty. Writ of, change in limit,		•••	•••			29, 31. 77
Nisi Prius. Justices of, their appointment, See Non-suits.	&c.,	•••	•••	•••		151
Nobles. Summoned to attend Parliamen	t and gr	eat co	uncils,	•••	!	37, 195, 229, 259, 281, 375,
Oppressive conduct of,	•••	••	•••	•••	!	473 265, 267
Non-age. Of heirs, when it shall delay su	its or no	ot,	•••	•••	•••	93
Non-Suits. May be recorded at Nisi Prius,			•••		··· !	303
Novel disselsin. Change of limit, &c.,			•••		···	3, 29, 31 , 77
Damages in,	•••	•••	•••	•••	••• !	
For tenant by elegit,	•••	•••	•••	•••	••• ¦	1 89 2 6 9
Assises of, justices to take, See Assises, Attorneys, C	ommon q	f Past	ure, Deeds,	Exception	ms.	208
Nulsance. Writ of, against alience of land		•••	•••	•••	•••	143
Nun. Penalty for taking away,			•••	•••	•••	155
Nuper Oblit. Limit in writ of,	•••		•••	•••	•••	77

		Subject,					Page.
		Ο.					
ith.		O.					
	of amercements	O n					10 4
	in writ of righ		•••	•••	•••		13, 6
or onemptor		٠,	•••	•••	•••		7
Ho et atia.							
In cases of h	omicide,	•••	•••	•••	•••		E
	s detained in pr	ison,	•••	•••	•••		14
Mcs. See Inqu	iest.						
-							
ficers.				1 3	: 1 •		
	restrained in pur						293, 41
	not to be receive			warus ni	ш,		32
	not to be senesci enquiry as to,	nensor sylv	πu,	•••	•••		900 41
	need of good one	na haina a	mointed	•••	•••	•••	329, 41
	not executing t	he law hy	force of	, ··	•••	•••	333- 33
	forbidden to rid	e in force	to gain	food	•••	•••	
	by carelessness,	lose costl	oo Kann	1006,	•••	•••	i i
	not to be appoin	sted unle	an Anthria	nt to an	wer	•••	341, 3
	dwelling in Engl	land nroc	se sumore	ount are	ingt	•••	34
	to hold only one	and, proc	cas uv acc	ப்பாட் எதவ	11100,		34
	not to be hinder	red	•••	•••	••		391, 45
	in Ireland, regu	lations as	to	•••		1	40
	exto			•••	•••		56
	to find mainpris	e for their	r account	tu.	•••	:::	32
	arrest of, on the	ir account	я	~,			35
In cities. &	c., appointed fo	r keeping	assises. 1	not to tr			
assised.		•••			•••		30
Succouring a	obbers, &c., pur		of,		•••		52
	sion to enquire i		onduct,	sought,	•••		57
dinances.		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,					
	council of Chie	f Justicia	r with co	onsent of	magnate	s and	
commons,			•••	•••			1, 8
By Justiciar	, King's council	and repre	sentativ	es of citi	es aud bu	rghs,	21
	and King's coun	cil on con	clusion o	f a parlis	ment,	• • • •	27
			•••		•••		38
	ouncil, with con				commons	3,	37
Made in Eng	gland, transmitte	ed by writ	, to be o	bserved,	•••		191, 23
		_					29
	made at Nottin	gham,	•••	•••	•••		293, 29
Enacted in a	parliament,			•••	•••	•••	271, 28
		Dublin ci			•••	•••	36
	See Exc	communica	trou, Pet	ttions.			
:Howev						ł	1
itlawry.	ling to less					!	1
To be accord	ling to law,	•••	•••	•••		1	_
To be accord Of accessary	in appeal,	•••	•••	•••	•••		5
To be accord Of accessary Outlaws not	in appeal, bailable,	•••	•••	•••			59, 13
To be accord Of accessary Outlaws not Of trespasses	in appeal, bailable, rs in parks,	•••					59, 13 6
To be accord Of accessary Outlaws not Of trespasse Of accountar	in appeal, bailable,	•••					59, 13

		Subject.					Pag
		P.					•
don.		• •					
Of felony, when a	nd how grad	ntable,	•••		•••	•••	294,
Of King's debts, t			•••	•••	•••	•••	
Charters of, only	to be grante	ed in parlis	ment o	r councile	3,		
limit			•••		·		
	ies to be spe	cified in.					
Of purchasers of p	pro visions o		,	•••	•••	•••	
ks and Vivaries							
Trespassers in,							29
Parks to be 200 fe	eet from the	highway.		•••	•••	•••	-
_		,	•••	•••	•••	•••	
ley.							
Between marcher		forbidden	,	•••	•••	• • •	
See Impriso	onment.						
llament.							_
Writs of summon	ıs to,	•••	•••	•••	•••	•••	' 1 95 , 2
							25
Those summoned,				•••		•••	
Those coming to	a, not to be	armed in	the tow	n where l	held,	•••	' ;
Pleas of, at Dubli		• • • •			•••		213, 2
	•						23
General (or full),	summoned	and held.	•••				195, 2
Constant (Co 1441),		,				• • • • • • • • • • • • • • • • • • • •	233, 2
							971 9
Ordinanosy mada	in a Avenue	municatio	n accin	et wiolato	∞ of		307,
Ordinances made							307,
Special council fo	ormed in a,	for dispate				•••	271, 2 307,
Special council for Public matters to	ormed in a, : be manage	for dispate d in,	h of pu	blic busin	ese,	•••	307,
Special council for Public matters to Petitions drawn u	ormed in a, : be manage up in, sent t	for dispate d in, o the King	h of pu	blic busin ouncil in	ese,		307,
Special council for Public matters to Petitions drawn u	ormed in a, : be manage up in, sent t	for dispate d in, o the King	h of pu	blic busin ouncil in	ese,		307,
Special council for Public matters to Petitions drawn usent to sent by	ormed in a, or be manage up in, sent to parliament or messengers	for dispated in, to the King in Englan to the Ki	h of pu g and co d, ng,	blic busin buncil in i	ese,	•••	307,
Special council for Public matters to Petitions drawn a sent to sent by In Ireland, correct	ormed in a, : o be manage up in, sent t parliament messengers ction of erre	for dispated in, to the King in Englan to the Ki ors in proc	h of pu g and co d, ng, esses, &	blic busin ouncil in : c., in,	ese,		307,
Special council for Public matters to Petitions drawn to sent to sent by In Ireland, correct Delay of judgment	ormed in a, : to be manage up in, sent to parliament r messenger ction of erre nt to be red:	for dispated in, to the King in Englan to the King ors in processed in,	h of pu g and co d, ng,	blic busin buncil in i	ese,		307,
Special council for Public matters to Petitions drawn to sent to sent by In Ireland, correct Delay of judgmer To be held each y	ormed in a, : to be manage up in, sent to parliament r messenger ction of erre nt to be red:	for dispated in, to the King in Englan to the Ki ors in proc	h of pu g and co d, ng, esses, &	blic busin ouncil in : c., in,	ese,		307,
Special council for Public matters to Petitions drawn to sent to sent by In Ireland, correct Delay of judgment	ormed in a, : to be manage up in, sent to parliament r messenger ction of erre nt to be red:	for dispated in, to the King in Englan to the King ors in processed in,	h of pu g and co d, ng, esses, &	blic busin ouncil in i	ese,		307,
Special council for Public matters to Petitions drawn to sent to sent by In Ireland, correct Delay of judgmer To be held each y	ormed in a, : o be manage up in, sent t parliament messengers ction of erre nt to be red: year,	for dispate d in, to the King in Englan to the Ki prs in proc ressed in, 	h of pu g and co d, ng, cosses, &	blic busin	ess, England, 		233, 2
Special council for Public matters to Petitions drawn to sent to sent by In Ireland, correct Delay of judgmen To be held each y At Ballymore,	ormed in a, : o be manage up in, sent t parliament messengers ction of erro nt to be red year,	for dispated in, to the King in England to the King or to the King	h of pu g and co d, ng, esses, & 	ouncil in i	ess, England, 		233, 2
Special council for Public matters to Petitions drawn to sent to sent by In Ireland, correct Delay of judgmen To be held each y At Ballymore,	ormed in a, : o be manage up in, sent t parliament messengers ction of erro nt to be red year,	for dispated in, to the King in England to the King or to the King	h of pu g and co d, ng, esses, & 	ouncil in i	ess, England, 		233, 2 307,
Special council for Public matters to Petitions drawn to sent by In Ireland, correct Delay of judgmer To be held each y At Ballymore,	ormed in a, : o be manage up in, sent t parliament messengers ction of erro nt to be red year,	for dispated in, to the King in England to the King or to the King	h of pu g and co d, ng, esses, & 	ouncil in i	ess, England, 		233, 2 307, 4 479, 4
Special council for Public matters to Petitions drawn to sent by In Ireland, correct Delay of judgmer To be held each y At Ballymore,	ormed in a, : o be manage up in, sent t parliament messengers ction of erro nt to be red year,	for dispated in, to the King in England to the King or to the King	h of pu g and co d, ng, esses, & 	ouncil in i	ess, England, 		233, 2 307, 4 479, 4 491, 4
Special council for Public matters to Petitions drawn to sent to sent by In Ireland, correct Delay of judgmen To be held each y At Ballymore,	ormed in a, : o be manage up in, sent t parliament messengers ction of erro nt to be red year,	for dispated in, to the King in England to the King or to the King	h of pu g and co d, ng, esses, & 	ouncil in i	ess, England, 		233, 2 307, 4 479, 4 491, 4 505, 5
Special council for Public matters to Petitions drawn to sent by In Ireland, correct Delay of judgmer To be held each y At Ballymore,	ormed in a, : o be manage up in, sent t parliament messengers ction of erro nt to be red year,	for dispated in, to the King in England to the King or to the King	h of pu g and co d, ng, esses, & 	ouncil in i	ess, England, 		233, 2 307, 4 479, 4 4505, 5 517, 5
Special council for Public matters to Petitions drawn to sent to sent by In Ireland, correct Delay of judgmen To be held each y At Ballymore,	ormed in a, : o be manage up in, sent t parliament messengers ction of erro nt to be red year,	for dispated in, to the King in England to the King or to the King	h of pu g and co d, ng, esses, & 	ouncil in i	ess, England, 		233, 2 307, 4 479, 4 491, 4 505, 5 517, 5 563.
Special council for Public matters to Petitions drawn to sent to sent by In Ireland, correct Delay of judgmen To be held each y At Ballymore, At Dublin,	ormed in a, : o be manage up in, sent t parliament messengers ction of erro nt to be red year,	for dispated in, to the King in England to the King or to the King	h of pu g and co d, ng, esses, & 	ouncil in i	ess, England, 		233, 2 307, 4 479, 4 491, 4 505, 5 517, 5 563, 588
Special council for Public matters to Petitions drawn to sent to sent by In Ireland, correct Delay of judgmen To be held each y At Ballymore,	ormed in a, : o be manage up in, sent t parliament messengers ction of erro nt to be red year,	for dispated in, to the King in England to the King or to the King	h of pu g and co d, ng, esses, & 	ouncil in i	ess, England, 		233, 2 307, 4 479, 4 505, 5 517, 5 588- 259
Special council for Public matters to Petitions drawn to sent to sent by In Ireland, correct Delay of judgmen To be held each y At Ballymore, At Dublin,	ormed in a, : o be manage up in, sent t parliament messengers ction of erro nt to be red year,	for dispated in, to the King in England to the King or to the King	h of pu g and co d, ng, esses, & 	ouncil in i	ess, England, 		233, 2 307, 4 479, 4 491, 4 505, 5 517, 5 563, 588, 259, [271]
Special council for Public matters to Petitions drawn to sent by In Ireland, correct Delay of judgmer To be held each y At Ballymore, At Dublin,	ormed in a, : o be manage up in, sent t parliament messengers ction of erro nt to be red year,	for dispated in, to the King in England to the King or to the King	h of pu g and co d, ng, esses, & 	ouncil in i	ess, England, 		233, 2 307, 4 479, 4 505, 5 517, 5 563, 5 889, 2571, 311, 3
Special council for Public matters to Petitions drawn to sent to sent by In Ireland, correct Delay of judgmen To be held each y At Ballymore, At Dublin,	ormed in a, : o be manage up in, sent t parliament messengers ction of erro nt to be red year,	for dispated in, to the King in England to the King or to the King	h of pu g and co d, ng, esses, & 	ouncil in i	ess, England, 		233, 2 307, 4 479, 4 491, 4 505, 5 517, 5 588- 259 271 311, 3
Special council for Public matters to Petitions drawn to sent by In Ireland, correct Delay of judgmer To be held each y At Ballymore, At Dublin,	ormed in a, : o be manage up in, sent t parliament messengers ction of erro nt to be red year,	for dispated in, to the King in England to the King or to the King	h of pu g and co d, ng, esses, & 	ouncil in i	ess, England, 		233, 2 307, 4 479, 4 4505, 5 517, 5 583 259 [271 311, 3 431, 4
Special council for Public matters to Petitions drawn to sent to sent by In Ireland, correct Delay of judgmen To be held each y At Ballymore, At Dublin,	ormed in a, : o be manage up in, sent t parliament messengers ction of erro nt to be red year,	for dispated in, to the King in England to the King or to the King	h of pu g and co d, ng, esses, & 	ouncil in i	ess, England, 		307,
Special council for Public matters to Petitions drawn to sent by In Ireland, correct Delay of judgmer To be held each y At Ballymore, At Dublin,	ormed in a, : o be manage up in, sent t parliament messengers ction of erro nt to be red year,	for dispated in, to the King in England to the King or to the King	h of pu g and co d, ng, esses, & 	ouncil in i	ess, England, 		233, 2 307, 4 479, 4 4505, 5 563, 5 588, 259, [271, 311, 3 431, 4, 491, 5
Special council for Public matters to Petitions drawn to sent by In Ireland, correct Delay of judgmer To be held each y At Ballymore, At Dublin,	ormed in a, : be manage up in, sent t parliament messenger ction of erre nt to be red year,	for dispated in, to the King in England to the King or to the King	h of pu g and co d, ng, esses, & 	ouncil in i	ess, England, 		233, 2 307, 4 479, 4 491, 4 505, 5 517, 5 563, 259, [271, 311, 3 431, 4 491, 5 588

	abject.					Page.
esses.						
To be cleared through highways			•••	•••		20
Country people to help in cost		ing.		•••	:::	i
			•••	•••		
asture.					j	
	•••	•••	•••	•••	•••	12
Admeasurement of,	•••	•••	••	•••		i
Irish not to pasture lands in per			•••	•••		44
		Pasture.			i	
	neral in	de z , <i>Kild</i>	lare.		ì	
aymaster at War.					- 1	
Appointed; his duties,	•••	•••	•••	•••	•••	86
His accounts,	•••	•••	•••	•••	•••	42
eace.					i	
As to treaty for, with Irish at w	ar.	•••			j	21
		•••	•••	•••	•••	247,24
- 1 - 1 words or, in counting,	•••	•••	•••	•••	•••	251
enactments for,						267, 27
		•••	•••	•••		283, 41
Disturbers of, excommunication	against.]	27
One peace and one war through				•••	:::	365, 87
			•••	•••		451
Wardens of, in each county,			•••			379,387
,		•••	•••	•••		455
, their duties.						383, 45
, their duties,, enquiry as to perform	ance of	their dut	v.	•••	••• 1	41
In treaties of, satisfaction for de						41
Justices of the, as to election of,		•••		•••		52
	Imprison	ıment.				
	-				}	
eers.					i	
	•••	•••	•••	•••	•••	
	•••.	•••	•••	•••	•••	107 000
Summoned to a general parliam	ent,	•••	•••	•••	•••	195, 229
alma famia at dona					l	259, 28
eine forte et dure.					j	
On felons standing mute,	•••	•••	•••	•••	•••]	5
erjury (false swearing).					Ī	
(D. h					,	48
Ecclesiastical courts to enquire a	 Mato an	d censure	•••	•••	•••	10 10
Donatabatan oo at a to caquito t	vo, un	a commune	,	•••		•
etitions to the King.					1	
As to the state of Ireland, with	answers,		•••	•••		38
Answers to same to be treated a	s ordina	nces and	observed	in	Ireland,	362_
Petitions to English parliament	and the	King,	•••	•••		476, 56
		-			!	
leadings.					1	_
Nothing to be taken for beauple	ader,	•••	• •	•••	•	5
Deceit in, how punishable,		•••	•••	•••	•••	7
	• • •	•••	•••	•••		8
Time for, in the exchequer,	- •	•••	•••	•••	•••	28
- ·					l l	
Ness of the Crown					1	
Heas of the Crown.	rian ba				1	
Meas of the Crown. To be answered before the Justic Sheriffs, constables or coroners r			•••			1

Subject.

Page.

Bubjace	•			1	
Pleas of Parliament. See Parliament.					
Pledges.				,	
Of the King's debtors,		•••	•••		1
In statutes merchant,	•••	•••	•••	••• ,	10
Managha					
Plea of, when allowed or not,					19
	•••	•••	•••	•••	
Ports.					001 0
Wardens at, their duties, &c., their oath of office,	•••	•••	•••	•••	221, 2
, where oasis of omce,	•••	•••	•••	•••	2.
Poliards. See False Money.				1	
Pope of Rome.					
Provision to benefices, condemned,	•••	•••	•••	'	533, 54
His sanction to a crusade against Iris	sh enemie	s to be so	ught,	•••	56
Precipe.				l	
Writ of, restrained,	•••	•••			1
	•••				
Premunire.					
For suing in foreign courts, For receiving citations, &c., from Ro	me ···	•••	•••	•••	55 533-
FOI 100ctving crossions, well, from sec	що,	•••	•••	•••	200
Prerogative. See King.					
Prescription.					
Franchises claimed by,	•••	•••	•	•	87,89,
Presentation.					
Attachment of prelates for enquiring	g as to,	•••		•••	18
To a church, pendente lite,	•••	•••	•••	•••	' (
No Irishman to be presented to a chi	urch,		•••	•••	4
Prices. See Merchandise.	on, Benej	ice.			i
					!
Prises.					i,
As to taking, Not to be made without payment,	•••	•••	•••	•••	2
King's prisage and usages as to it,	•••		•••	•••	3
See Victu					
Prison.					l .
Fees of marshal,	•••	•••	•••	•••	2
Process.					:
To compel appearance,	···	•••	•••	•••	1 4
At common law, as to sealing writs	ior,	•••	•••	•••	2
Prochein amy.					İ
Suits for infants by,	•••	•••	•••	•••	83, 13
Prohibition.					i
Writ of, usurped by officers of libert	ies,		•••	•••	1:
sheriffs,		•••	•••	•••	i
King's prerogative in,	•••	•••	•••	•••	187-
<u> </u>					25
Directed against jurisdiction of eccle	BBIRSTICAL Thumber	courts,	•••	•••	18
None out of Chancery, against the C	Jurch's II	PHODISC,	•••	•••	43

	Subject.	·				Page.
Protection.						
None to grant, save the			chises,	•••		271, 28
Not to be granted to fe			•••		•••	32
	ny being again	st the pea	ice,	•••	•••	il
With clause of volumus		•••	•••	•••	•••	49
quia pro	recturus,	•••	•••	•••	•••	49
Any suing, to be sworn	raturus, as befo	ore,	ia tuna	•••	•••	49 52
When to be void.	that clause in	Warrant	is true,	•••	•••	il
When to be vota,	•••	•••	•••	•••	•••	"
Provisions. See Imprisonn	ent, Victuals.					i .
Provisors of Benefices, &c						1
Statutes against, to be		hrafa				52
			•••			541, 551
	•••	•••	•••		•••	555-
	c. II.) extended		•••	•••		555, 55
	See Impr	isonment.				
urparty.						l
Limit in writ of,	•••					7
	•••		•••	***		1
urveyance.						l
For castles,	•••	• • •	•••	• • •	•••	13, 5
Of horses and carts,	•••	•••	•••	•••	•••	15, 49
On religious houses was	trained					7
On religious houses res General restraints and		•••	•••	•••	• • • •	73, 29
Payment for,	regulation,	•••	•••	•••	•••	341, 35
To be according to stat	utes and regul	ations				40
Purveyors to be sworn,			••			1 1
<u></u> ,		,			• • • •	1
	_					
	Q.					ł
Quare impedit.						
On usurpation during i Plea and proceedings t	hancy, &c.,	••••	•••	•••	•••	11 12
Inquisitions of, in their					• • • • • • • • • • • • • • • • • • • •	15
inquisitions or, in their	Ree A	issises.	•••	•••	•••	10
	200 2					
Queen's Gold.						
Levying of,	•••	•••	•••	•••	•••	58
le Mandurlle						l
ula Moraturus. Protection, with clause	of as before					49
Protection, with clause	or, as before,	•••	•••	•••	•••	100
ula Profecturus.						İ
Protection, with clause	of, when allow	vable,	•••	•••		49
and al deference						
Quod ei deforceat. For dowress or heir, on	writ of collus	ive recov	erv.			115, 11
For downess of non, on	W110 01 0011ab		·. ,	•••	•••	110, 11
Quod permittat.						Ì
For successor of a pars	on,	•••	•••	•••	•••	14
Ana marranta						
Que warrante. On claim of franchises,	nyoceedings is	n.	•••			87-9
OH CIAIM OF HAMOMISCA,	Language P	-,	•••	•••		
					C	9 .

Subject.			:	Page.
R.				
Rabbits.			!	
In a warren, as to killing,	•• •••	•••	•••	501
lape.			ĺ	
Punished by imprisonment,		•••		5
Made felony,		•••		158
Parties consenting after rape committed, di		n inheritance,	&c.,	49
Husband or next-of-kin may prosecute, .		***	••• }	49
ebellion.			1	
Irish in, how to be met,		•••	20	5, 207
Feoffments made with intent to rebel, voice	d,	•••	27	1, 289
NT 4 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1			i	383
None to supply victuals or aid any in, .	•• •••	•••	•••]	271
See Irish at war, &c.			!	
By statute merchant, form and proceeding	8		!	102
•	,	•••		
ecordare.				
Writ of, in replevin,		•••	•••	109
ecor ds.			j	
Counter rolls between sheriffs and coroner	ns,	•••		5
Annual rolls by sheriffs in Exchequer, .		•••		43
Of writs of admeasurement of pasture, &c	·.,	•••	!	125
		•••	•••	143
Record of non-suit at Nisi Prius, &c., inrolled in Chancery or before Justice			••••	303 173
do., infoliat in Chancery of octors substitution	C18,	•••	•••	-74
Recovery.			1	
Feigned by freeholder, to prejudice of te	rmor	•••		97
By default, by particular tenants.		•••	1	11–117
ledsmption. See Fines.				
a decalela			İ	
e-disselsin. Punishment of,			1	2
31	•••	• •••	:::	12
Damages. &c., in,		•••		14
See Fines.				
toliefs.				
By heirs of earls and barons,	•••	•••	••• ;	_3
On escheats of baronies,	••	•••	••••	17
lents.			}	
Collection of, under protections, for evil p	ourposes,	•••		28
In arrear, remedy by cessarit for.		•••		9
Of absentees' lands, to be expended for de	efence,	• • • •	27	79, 391
Replevin.			- 1	
Of distresses, how to be proceeded on, .	•••	· · · · · · · · · · · · · · · · · · ·	6	1, 109
•				159
Resumption.				
Of we do of Wine Wilmond II	•••	• •••		195
			1	33

<u> </u>					Page.
Return. See Writs.					
Riding.				l	
In the English mode, on a saddle, to b	e used.				435
Penalty for disobedience,	•••	•••	•••		il
DIb.A				ĺ	
Right.				1	
Writs of, change of limit, &c.,	•••	•••	•••	••••	8, 29
to run in Ireland as in Engl	and,	•••	•••		77, 79 8
Rivers.				1	
Weirs suppressed in the Liffey and the	oughout	Ireland.			10
Encroschments on,			•••		î:
Put in defence, as to salmon,	***	•••	•••		17
Poachers in, imprisonment for,	•••	•••	•••		17
• •	-	-			_• (
Robbers and Robberles.					
Robbers to be driven out of Ireland,		•••	•••	•••	
Clerks aiding, by not making hue an	d cry,	•••	•••	•••	17
Country people to pursue robbers,	•••	•••	•••	•••	20
Country answerable for,		•••	•••	•••	255, 41
Lord answerable for, in highways und	leared,	•••	•••	•••	25
Robbers detain merchant strangers,			•••	•••	26
Chieftains to punish their own clans			•••	•••	26
Oppressive prises and lodging to be l				•••	26
Kernes and idlemen, acting harshly,					
			DDers,	•••	
Robberies and burnings, limit of cha	rters of p	ardon,	•••	•••	32
	rters of p				32
Robberies and burnings, limit of cha	rters of p	ardon,	•••	•••	5 32: 37: 535-
Robberies and burnings, limit of cha Seizers of victuals to be treated as ro Rome. Citations, &c., from, condemned,	rters of p	ardon,	•••	•••	32 37
Robberies and burnings, limit of cha Seizers of victuals to be treated as ro Rome. Citations, &c., from, condemned,	rters of p	ardon,	•••	•••	32 37
Robberies and burnings, limit of cha Seizers of victuals to be treated as ro Rome. Citations, &c., from, condemned,	rters of p	ardon,	•••	•••	32 37 535-
Robberies and burnings, limit of cha Seizers of victuals to be treated as ro Rome. Citations, &c., from, condemned,	rters of p	ardon,	•••		32 37 535-
Robberies and burnings, limit of cha Seizers of victuals to be treated as ro Rome. Citations, &c., from, condemned, Sacrilege. Appertains to Courts Christian, Balmon. See Fish. Sanctuary.	rters of p	ardon,	•••		32 37 535-
Robberies and burnings, limit of cha Seizers of victuals to be treated as rore. Citations, &c., from, condemned, Sacrilege. Appertains to Courts Christian, Salmon. See Fish.	rters of p	ardon,	•••		32 37 535-
Robberies and burnings, limit of cha Seizers of victuals to be treated as rockets. Citations, &c., from, condemned, Citations, &c., from, condemned, Sacrilege. Appertains to Courts Christian, Salmon. See Fish. Banctuary. Treatment of those seeking, Cite Facias.	rters of p		•••		32 37 535-
Robberies and burnings, limit of cha Seizers of victuals to be treated as rockets. Citations, &c., from, condemned, Citations, &c., from, condemned, Sacrilege. Appertains to Courts Christian, Calmon. See Fish. Sanctuary. Treatment of those seeking,	rters of p		•••		32 37 535-
Robberies and burnings, limit of cha Seizers of victuals to be treated as ro Rome. Citations, &c., from, condemned, Sacrilege. Appertains to Courts Christian, Balmon. See Fish. Banctuary. Treatment of those seeking, Before execution, after a year, Seal.	rters of p		•••		32 37 535- 18 17
Robberies and burnings, limit of cha Seizers of victuals to be treated as ro Rome. Citations, &c., from, condemned, Sacrilege. Appertains to Courts Christian, Salmen. See Fish. Banctuary. Treatment of those seeking, Cire Facias. Before execution, after a year, Seal. King Henry III. not yet having a,	rters of p		•••		32 37 535- 18 17 17
Robberies and burnings, limit of cha Seizers of victuals to be treated as rockers. Citations, &c., from, condemned, Citations, &c., from, condemned, Sacrilege. Appertains to Courts Christian, Calmon. See Fish. Banctuary. Treatment of those seeking, Circ Facias. Before execution, after a year,	rters of p		•••		32 37 535- 18 17 17 17 22, 294
Robberies and burnings, limit of cha Seizers of victuals to be treated as ro Rome. Citations, &c., from, condemned, Sacrilege. Appertains to Courts Christian, talmen. See Fish. Sanctuary. Treatment of those seeking, Scire Facias. Before execution, after a year, teal. King Henry III. not yet having a, Of Justiciary of Ireland,	rters of p				32 37 535- 18 17 17 22, 294 34
Robberies and burnings, limit of cha Seizers of victuals to be treated as ro Rome. Citations, &c., from, condemned, Sacrilege. Appertains to Courts Christian, Baimon. See Fish. Banctuary. Treatment of those seeking, Before execution, after a year, Seal. King Henry III. not yet having a, Of Justiciary of Ireland, Great, of Ireland, no writ pleadable victuals.	rters of p				32 37 535- 18 17 17: 122, 294 34 29
Robberies and burnings, limit of cha Seizers of victuals to be treated as rorotate. Citations, &c., from, condemned, Sacrilege. Appertains to Courts Christian, Salmen. See Fish. Sanctuary. Treatment of those seeking, Before execution, after a year, Seal. King Henry III. not yet having a, Of Justiciary of Ireland, Great, of Ireland, no writ pleadable valued attached to ordinal	rters of p				32 37 535- 18 17 17 122, 294 29 29
Robberies and burnings, limit of cha Seizers of victuals to be treated as ro Rome. Citations, &c., from, condemned, Sacrilege. Appertains to Courts Christian, Balmon. See Fish. Banctuary. Treatment of those seeking, Before execution, after a year, Seal. King Henry III. not yet having a, Of Justiciary of Ireland, Great, of Ireland, no writ pleadable was recommended.	rters of p				32 37 535- 18 17 17: 122, 294 34 29

	Subject.					Page.
Seizure of lands, &c.						
Great charter and other status	tes as to,	to be ob	served,	•••		520
Seneschal.					'	
Of the King's lands, appointment	ent of,	•••	••	•••	• • •	42
Serjeant of fee.					1	
To execute the King's and sheriffs'			•••	•••		391, 459 461
As to excessive farm of their b	Dalliwicki	3,	See Imn	risonment.	•••	101
. • • • •			200 1		1	
Serjeanties. Great, holders of, to attend on	sheriffs'	accounta	١,			427
Servants. See Labourers.						
Service.						
Royal, compounding in money	for,	•••	•••	•••		359
——— as to rendering,	•••	•••	•••	•••		36
Sheriffs.						
Appointment of, in the Exche		•••	•••	•••		191, 29
Their qualification, To be elected by the counties	 onnualla	in the F	 hn-		•••	299 325, 3 5 7
10 be elected by the counties	аппиану	III the E	xeneque	Γ ,	•••	423, 493
						519, 52
No seneschal or bailiff to be r		riff,	•••	•••	••	29
Unsuitable persons appointed Not to be re-elected within the		•••	•••	•••	•••	27 49
Not to be appointed unless su			to the K	ing.	•••	34
Abuses in election of,	•••	•••	•••	•••		35
To remain in office but one y	ear,	•••	•••	•••	•••	357,519 52
Not to lease their office in far	m.			•••		
Their county court, turn, &c.		•••	•••	•••	•••	73, 97
em						13
Their counter rolls with the caunts of the counties by,		 zchequer		•••	•••	5
by, Leinster, Con				•••	•••	393,
					•••	461-3
	the Exc	hequer,	,	•••	•••	41
——— holders of great a		s to atte	na on,	•••	•••	32
To account once a year, To hold their turns twice a y	ear.	•••	•••	•••	•••	32 46
Heirs of, how liable,		•••	•••	•••	•••	6
Fees of,	•••	•••	•••	•••	•••	69, 39
OTAGORIUA impuisamman	t for tak	ina				307 46
—— excessive, imprisonmen Of Kildare county, fee of,	t for tak	ıng,	•••	•••	•••	397, 46 21
To be in Ulster, Meath, and	Kildare,	•••	•••	•••	•••	197, 19
To be intentive to command	s of the J	usticiar,	•••	•••	•••	19
To act as escheators, as in E		-141			•••	
Summon representatives of o				-	•••	195, 26 28
To aid each other in capturing May pursue felons into france		,	•••	•••	•••	381, 45
To carry out regulations as		ta labaur	····	•••	•••	

Subject					Pag
orifis—continued.					
To enquire in county court as to obtaine	rs of pro	tection	18, &c., fo	r evil	
purposes,	•••	•••	•••	•••	1
Performance of their duty, justices to e	nquire a	s to,	•••	•••	1
Shall not hold pleas of the Crown,	. •••	•••	•••	•••	
Shall not overcharge any with their ret	inue,	•••	•••	•••	i
Shall not assess fines on the county,	•••	•••	•••	•••	
Shall not hold pleas of withernam,	•••	•••	•••	•••	1
Attachment by, for debts to the King,	•••	•••	•••	•••	ĺ
Damages against, for abuse of office,	•••	•••	•••	•••	İ
Extortion by, punishment of,	•••	•••	•••	•••	İ
Amercement of, for neglect,	•••	•••	• - •	•••	
Action against, for false imprisonment,	•••	•••	•••	••••	
Their duty, in re-disseisins,	•••	•••	•••	•••	ĺ
securing wreck,		•••	•••	•••	
apprehending and securi	ng felon	. 8,	•••	•••	55,
bailing offenders,	•••	•••	•••	•••	59,
replevins,	***	,,		•••	ĺ
receiving and accounting	for Kir		ts,	•••	07
claims to franchises,	•••	•••	•••	•••	87
summoning juries,	•••	•••	•••	•••	101
returning writs,	··· .	•••	•••	•••	161,
returning juries, to put their names to su returning issues.	ch returi	as,	••	•••	305,
			•••	•••	
regard to servants refusi		ce,	•••	• • •	
following hue and cry,	•••	•••	•••		
following hue and cry, executing writs,	•••.	,	•••		000
seizing goods forfeited by	y attain	ier, &c.	,	•••	393,
tpie.					
Goods—wool, leather, hides, tin, only to	be sold	for law	ful mone	y,	
Ordinances of the,	•••	•••	•••		
For Ireland, to be held at Cork, Droghe	da, Dubl	in,	•••		
Of England and Wales,	•••	•••	•••		
Privileges of merchants in buying and e	xporting	staple	goods,		815,
Mayor of the, wool merchants to have a					
Officers of the, not to exceed their juris	diction,	•••	•••		4
dute Merchant.]	
And statute staple, extended to Ireland					1
See Imprisonment, Ireland, Jews		inta. Rei	coanizance		
	,	,		~	
itutes.				- 1	
Statute of Ireland (free marriage),	•••	•••	•••	•••	
(co-parceners), 1325 (co-parceners),	•••	•••	•••	••••	
1325 (co-parceners),	 		 - Connail		8
Certain, made in England to be examine					
where applicable to Ireland, to be obs			•••	••••	2
(Irish) 3, 13, 17, 19 Edward II. to be ma			•••		8
Made in England, confirmed in an Irish		nt,	•••	•••	2
Certain Irish, confirmed, 11 Henry IV.,	•••	•••	•••		5
Acton Burnel, see Merchants.				1	_
	ious,	• • •	•••		2
Carlisle, against foreign tributes to relig					
Carlisle, against foreign tributes to relig	•••	•••	•••		
Carlisle, against foreign tributes to relig Gloucester, to be observed in Ireland,	•••	•••	•••	:::	_
Carlisle, against foreign tributes to relig	 tm. II.,				

		Subject,					Pag
wies—continued.							1
Gloucester, cited,	•••	•••	•••	•••	•••	•••	138s 141,
Henry fitz Empres	ıs,	•••	•••	•••	•••		1
Kilkenny,	•••	•••	•••	•••	•••		
confirm	red,	•••	•••	•••	•••	•••	481,5
cited,	•••				•••	•••	394s,
commis	sion to end	quire as to	its work	ing,	•••	•••	1 1
excomm		of those o	ontraven	ing,	•••	•••	,
Lincoln,		: T1 :		•••	•••	•••	
writ for o				lin.	•••	•	xiii. 2
Marlborough, confi	•	-	ic ac Duo	ш,	•••		
Merton, Statute or			•••	•••	•••	•••	,
to be obse			•••	•••	•••	;	
			Dublin.	•••	•••	•••	30n ,2
VIII.	P		,	•••	•••	••••	281×
cited,	•••	•••	•••	•••	•••	•••	67, 14 173
Northampton. (13	28), to be	observed :	in Ireland	d	•••	1	3
Nottingham, ordin					nd,		293
Rhuddlan,	•••	•••	•••	•••	•••	••• ,	4
Westminster, First	t and Seco	ad, to be	observed	in Irelan	d	!	4
The	First,	•••			•••	1	1
conf	firmed in a	parliame	nt at Du	blin,	•••		21
	_					1	281
cite	a,	•••	•••	•••	•••	••• [103, 13 149
The	become					. !	145
100		firmed in	a narliar	ent at D	uhlin	{	28
		mimou m	e hermen	HOME OF L	dom,		281
		sd			•••		30
mad			and 188	1. to be			
	reland,	•••	•••		•••		33
mad	le in 13 3 1,	to be obs	erved in	Ireland,	•••		32
mad	le in a nar	liament a	t. cited.		•••		33
in p	arliament	at, 27 Ed	lw. I., cit	ed,	•••	1	30
in p	le in a par	liament a	t, 24 Edw	r. III., cit	ed,	··· ;	37
Winchester, to be	observed i	n Ireland	,	•••	•••		245, 249
			. ***		••• .		25
regu	ılations as		_	-	•••		245, 24
Vont 10 Edu II		•••	•••	•••	•••		41 30
York, 12 Edw. II. —— writ for obse	reance in	Iroland	•••	•••	•••	•••	29
9 Edw. III.					•••		xvii
See also A	hsentees	Armour a	nd Arms	Chame	vertu. Chas	der	
See also A (Great)	Racheat	ors Por	estallers.	Lahour	ers. Marke	1.	
(clerks	of), Merch	ants. Mo	rev. Mort	main. Vi	ris Religios	is.	
sidy.	, ,, ====	,0	9,				
As to collection of	a " Fiftee	nth,"		•••	•••		19
In aid of the war			•••	•••	•••]	22
grants t	owards, in	money ar		•••	•••		23
Of a "Tenth" gran	nted by pr	elates and		•••	•••]	48
Subsidies and men					•••		58

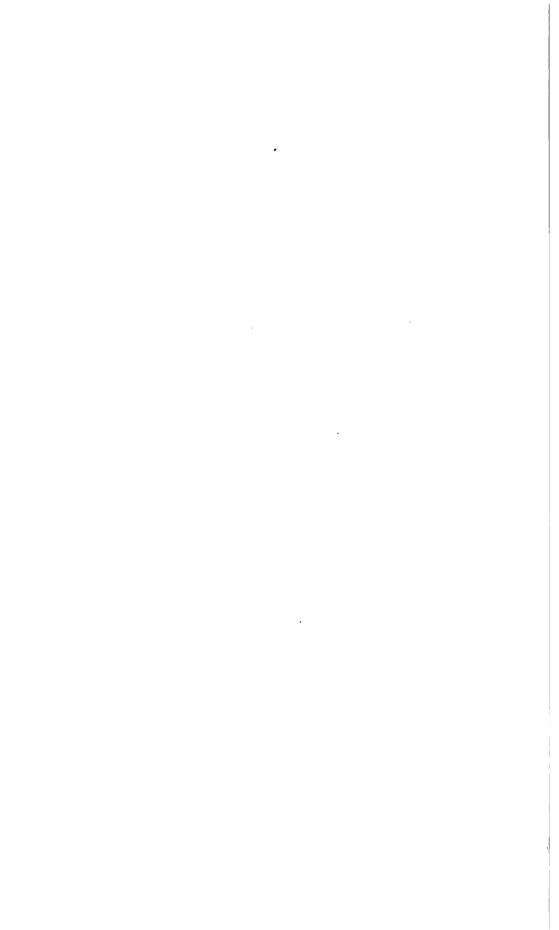
	Subject.					Page.
Suggestion.						
Accusations by, practice regu	ılated,	•••	•••	•••	•••	41
Prohibition on,	• <u>•</u> •		•••	•••	•••	48
Bupremacy. See King.	See B	iii.				
Swine. See General Index, Kilo	dare.					
	т.					
Tall.						
Donors' will to be observed or	n gifts in,	•••	•••	•••	 .	10
Tallage. Not to be sent beyond sea,	•••	•••			•••	249
_	•••	•••	•••	•••	•••	
Templars.	alonėlu sad	un in 1	anda			158
Their crosses not to be fraudu Shall not draw any into suits			anos,	•••	•••	169
Ordinance against,		•••	•••	•••		58
_						
Tenant by the Curtesy.						21
Defined; his privileger, Alienations by,	•••	•••	•••	•••	•••	98, 98
Testamentary Causes. In jurisdiction of ecclesiastics Things not named in a testan	al courts,	 a to the	V:1-	•••		187
	HOTO DOION	R m me	ving.s c	ourts,	•••	ib
		 8 m me	ving.s	ourts, 	•••	ið 227
Testator. Goods of a, custom of Ireland		 R m ette	···	ourts, 		
Testator. Goods of a, custom of Ireland Tin. See Staple.				our ts, 		
Testator. Goods of a, custom of Ireland Tin. See Staple. Tithes.						
Testator. Goods of a, custom of Ireland Tin. See Staple.	l as to, 		•••			222
Testator. Goods of a, custom of Ireland Tin. See Staple. Tithes. Advowson of, writ for, Laymen not to interfere with	l as to, 		•••			22; 128
Testator. Goods of a, custom of Ireland Tin. See Staple. Tithes. Advowson of, writ for, Laymen not to interfere with	l as to, , by sale o	 r purchs	 136,			22; 12; 44;
Testator. Goods of a, custom of Ireland Tin. See Staple. Tithes. Advowson of, writ for, Laymen not to interfere with Toll. Excessive, punishment for tal	l as to, , by sale o		•••			22; 128
Testator. Goods of a, custom of Ireland Tin. See Staple. Tithes. Advowson of, writ for, Laymen not to interfere with Tell. Excessive, punishment for tal Towns.	l as to, , by sale o	 r purchs	 136,			22; 12; 44] 7]
Testator. Goods of a, custom of Ireland Tin. See Staple. Tithes. Advowson of, writ for, Laymen not to interfere with Toll. Excessive, punishment for tal	l as to, , by sale o	 r purchs	 136,			22; 12; 44;
Testator. Goods of a, custom of Ireland Tin. See Staple. Tithes. Advowson of, writ for, Laymen not to interfere with Tell. Excessive, punishment for tal Towns. Watch and ward in,	l as to, , by sale o	 r purchs	 136,	 		22; 12; 44] 7]
Testator. Goods of a, custom of Ireland Tin. See Staple. Tithes. Advowson of, writ for, Laymen not to interfere with Tell. Excessive, punishment for tal Towns. Watch and ward in, Treason. Offenders in, not bailable,	l as to, , by sale o	r purchs	 			22; 12; 441 71 255
Testator. Goods of a, custom of Ireland Tin. See Staple. Tithes. Advowson of, writ for, Laymen not to interfere with Tell. Excessive, punishment for tal Towns. Watch and ward in, Treason.	l as to, , by sale o	r purchs	 			120 144 71 255
Testator. Goods of a, custom of Ireland Tin. See Staple. Tithes. Advowson of, writ for, Laymen not to interfere with Toll. Excessive, punishment for tal Towns. Watch and ward in, Treason. O ffenders in, not bailable, Saved, in case of those indicte	l as to, , by sale o	r purchs	 			22; 12; 441 71 255
Testator. Goods of a, custom of Ireland Tin. See Staple. Tithes. Advowson of, writ for, Laymen not to interfere with Tell. Excessive, punishment for tal Towns. Watch and ward in, Treason. Offenders in, not bailable, Saved, in case of those indicte Trespass.	i as to,, by sale o	r purchs	 			22; 12; 441 71 255
Testator. Goods of a, custom of Ireland Tin. See Staple. Tithes. Advowson of, writ for, Laymen not to interfere with Toll. Excessive, punishment for tal Towns. Watch and ward in, Treason. O ffenders in, not bailable, Saved, in case of those indicte	l as to, , by sale o king, ad in Engl	r purchs	 	 n Ireland		222 123 441 71 255 59 851 29, 65 97, 149,
Testator. Goods of a, custom of Ireland Tin. See Staple. Tithes. Advowson of, writ for, Laymen not to interfere with Tell. Excessive, punishment for tal Towns. Watch and ward in, Treason. Offenders in, not bailable, Saved, in case of those indicte Trespass. Punishment of trespassers in Jurisdiction and trial of tresp	l as to, , by sale o king, ad in Engl	r purchs and for f	 'elonies i	 in Ireland		222 122 441 71 255 59 851 29, 65 97, 149, 151
Testator. Goods of a, custom of Ireland Tin. See Staple. Tithes. Advowson of, writ for, Laymen not to interfere with Tell. Excessive, punishment for tal Towns. Watch and ward in, Treason. Offenders in, not bailable, Saved, in case of those indicte Trespass. Punishment of trespassers in Jurisdiction and trial of tresp	i as to, by sale of king, din Engli	or purchs and for t		 n Ireland 		222 122 441 71 255 59 351 29, 65 97, 149, 151 151, 159
Testator. Goods of a, custom of Ireland Tin. See Staple. Tithes. Advowson of, writ for, Laymen not to interfere with Tell. Excessive, punishment for tal Towns. Watch and ward in, Treason. Offenders in, not bailable, Saved, in case of those indicte Trespass. Punishment of trespassers in Jurisdiction and trial of tresp	h as to, by sale of king, cod in Engliness, parks, ass cognisa	or purchs and for t	 'elonies i	 in Ireland		222 122 441 71 255 59 851 29, 65 97, 149, 151

of,		•••			57
•••		•••	• • •	•••	
•••	•••	•••	•••		30
					j
					21:
		•••			205, 35
		•••			32
ing, held	l after.	•••			35
		•••	•••		387, 459
•••		•••		•••	327
U.					
.					
					t
	•••	•••	•••	•••	28
V.					1
					OE E
•••	•••	•••	•••	•••	255
		•••		•••	151
					ļ.
ir value,	&c.,	•••			251, 369
•••	•••		•••	•••	265
		•••	• • •	•••	10.
irish at	war, &c.,	•••	•••	•••	271, 365,
				1	483
•••	•••	• • • •	• •	•••	341, 359,
. nasian	· F			1	410 305
					377, 447
	цво,				409
					285, 293
	•••	•••	•••	***	
ıt,	•••	•••	•••	•••	177
Arms.					
					1
					13,53
 3,	•••		•••	•••	367
	V ir value, as and w lrish at assise of cry again to, illing, ot, Arms	universal, o be observed, ing, held after, U. U. ir value, &c., as and woods, Irish at war, &c., cry against, to, dlling, ot, Arms.	universal, o be observed, ing, held after, U. U. ir value, &c., as and woods, Irish at war, &c., cry against, to, to, Arms.	universal,	universal, o be observed, ing, held after, ir value, &c., is and woods, Irish at war, &c., ory against, to, llling, Arms.

	Subject.					Page.
/iris Religiosis.						
Statute of men of religion,	12.1.3	•••	•••	•••	•••	3
`	arlisle),	•••	•••	•••	•••	24
lisitation. By abbots, &c., aliens, of their	r houses i	in Engla	nd,	•••	ζ	24
olumus, Clause of.					•	
In what cases not allowable, See Protection.	•••	•••	•••	•••	•••	49
	w.					
Wager of Law.						
On accusation of bailiffs,	•••		•••	•••	•••	1
By ecclesiastical judge,	•••	•••	•••	•••	•••	18
Wages.						1
Of servants, labourers, &c.,	•••	•••	•••	•••	•••	867, 869
						465, 48
Nar.						Ι,
Castleward excused during, One war and one peace throug	zhout Ire	land.	•••	•••	•••	3 65 , 379
one was and peace tarroug	,	,	•••	•••	•••	451
English not to stir up,	•••		•••		•••	389, 45
Only to be undertaken by Ki		acil, &c.,	•••	***	•••	425, 44
See Paymaster, Rebelli	on.					
Wardens. See Peace.						
Wardship.						
Of heirs by their lords,	·	•••	•••	•••	•••	7, 9, 28
1-1321	.					67
——— holding by divers s Punishment for ravishment o		•••	•••	•••	•••	00 15
Writ to recover, proceedings		•••	•••	•••	•••	28, 15 15
Of heirs in the King's hands,				•••	•••	32
Unlawful feoffment of lands i	in ward,	•••	•	•••	•••	8
Warranty.						1
Counterpleader of and averme	enta agai:	nst.				77-
Of foreigners in London,	•••	,	•••	•••	•••	9
Of tenant by curtesy, its effe		•••	•••		•••	9
Of formedon in descender, on	alienatio	on by ten	ant in t	ail,	•••	10
By reversioners, Denial of, by vouchee,	•••	•••	•••	•••	•••	11
Demai of, by vouchee,	•••	•••	•••	•••	•••	12
Warren. See Rabbits.						
Waste.						
By guardians, restraint of,	•••	•••	•••		•••	9,67,9
By tenants by curtesy, dower		traint of,		•••	•••	9
In London, pendente lite, res	traint of,	•••	•••	•••	•••	9
Writ of, proceedings in,		•••	•••	•••	•••	18
Approvement of, by lords ag		gh houre	&c	•••	•••	14
						. 4/

		Subject					Page.
Wateh and Ward.							
How to be kept,	•••	•••	•••	•••	•••	•••	25.5
Weights and Moasures. To be uniform in Ire	land.			•••		•••	15,37
,	,	•••		•••			289
In Ireland, See Market.	•••	•••	•••	•••	•••	•••	418
Weirs Suppressed in River.	Anna T.ifl	ew and t	hroughe	ust Trales	nd		15
	WIII OF LIVE	oy and o	mouga.	/40 II 614	uu,	•••	1
Widows.							۱ .
Marriage of,	•••	•••	•••	•••	•••	•••	1 2
Quarentine, Remedy for their do	•••	•••	•••	•••	•••	•••	-,
May bequeath crop o		nds.	•••	•••	•••	•••	: 27 i il.
, <u>-</u>		,		***	•••		
Wife and Husband. So	e <i>Baron</i>	and Fem	ve.				
Wine.							ĺ
Dealers in, not to be	officers of	f assise of	f	•••	•••		305
Measure of,	•••	•••	•••	•••	•••	•••	15, 289
Sale of, regulated,	•••	•••	•••	•••	•••	•••	37, 101
Gauging of, statutes	as to,	•••	••	•••	•••	•••	589
Withernam. Pleas of, sheriff not t	o hold,	•••		•••	•••	•••	397
Witnesses.							
Necessary, to put a m	an to lav	₹.	•••		•••	•••	17
To deeds, their appea			•••	•••	•••		301
Women. Appeal of homicide b	y,	•••	•••	•••	•••		19
Wood.						ĺ	
Not to be taken for t	he King's	castles,	•••	•••	•••	•••	15
Woods and Bogs.						,	
Irish enemy take adv	antage of	· · · ·	•••	•••	•••	•••	209
Cut down, King to be			•••	•••	•••	•••	349
Wool.							
Bringing to the stapl	TA bra A	norting.	•••	•••			315, 317
As to price of,	0, MIC OR	por u m6,	•••	•••	•••		317
See Staple.		•••					
Wreck. Defined, and how to b	oe saveā i	or the ov	vners,	•••	•••		53
Writs. Of summons to parlis	ment S	See Parli	ament.			!	
Of justiciar of Ireland	d, necessa	ry in die	seising o	of freeho	lds, ione, viz. :	· :	3
Bounds,	,	••• a	•••		***	·	3, 26, 34
Fugitives and vil	leins.	•••	•••	•••	•••	•••	
- ~D.m. ~							, -1

Subject,							Page.
rits made current, &c.—	-continu	ed.					
Mort d'ancestor,		•••	•••	•••	•••	•••	8, 20, 2
							31,7
							95
Neifty (natives),						•••	29, 7
Novel disseisin,	•••			•••		•••	8, 2
nover diasolatin,	•••	•••	•••	•••	•••	•••	31, 7
Right,							3, 2
Kignt,	•••	•••	•••	•••	•••	•••	81,7
Limitations in, viz. :-	_						J., .
Aiel,	•••	•••	•••	•••	•••		1 7
Cosenage,	•••	••		•••	•••	•••	'
Entry,	•••	***		•••	•••	•••	1 9
Nuper obiit,	•••	•••	•••		•••	•••	1 7
Purparty,	•••	•••	•••	***		•••	
Of course, form of, tre					•••	•••	xiv. 2
, change in the				***			8
Of precipe in capite, v					•••	•••	1 3
Of right, champions'		•	•••	•••	•••	•••	1 3
Of entry, voucher on,	mun m,	•••	•••	•••	•••	•••	1 3
Delivery of, in eyre,	•••	•••	•••	•••	•••	•••	1
	•••	•••	•••	•••	•••	•••	148, 17
In consimili casu,	•••	-4 06	•••	•••	•••	•••	140, 14
Of novel disseisin, enl	•	-	•••	•••	•••	•••	-
De libero tenemento.	,	•••	•••	•••	•••	•••	1 1
Of ravishment of ward	α,	•••	•••	•••	•••	•••	11
Of debt saved,		***	•••	***	•••	•••	1 10
Service and return of,			. •••	•••	•••		10
Returns to, sheriffs to			to,	•••	•••		805,8
by bailiffs			•••	•••	• • •	•••	80
Execution of, by hund	ireders i	in county	court,	•••	•••	•••	29
Original, sealing of,	•••	•••	•••	•••	•••	•••	29
Issue of, to take lands	s by mal	lice, forbi	dden,	•••	•••	•••	84
Not to pass the King's	s seal, t	inless the	chancel	lor can a	vow by l	aw,	30
Out of England, not t	o be exe	cuted in	Ireland.	•••	•••	•••	48
For other allusions to Account, Admeast Bounds, Cessavit, C Darrein presentmen medon in descend Mesne, Nisi Prius, N Quod ei deforceat Redisseisin, Right, See also Amen	urement Contra fo nt, Deb ler, Ind Nuisance t, Quod Trespa	c, Advovo ormam col ot, Disseis licavit, I o, Odio et permitt	wson, A llationis, sin, Dow Inquest, atia, Prol at, Quo	iel, Bas Cosenag er, Eleg Juris hibition, warran	stardy, I e, Cui in it, Entry utrum, Quare im ito, Reco	Besail, vita, For- Maim, pedit, ordare,	
Year.		Y.					



GENERAL INDEX.

Acton Burnel, parliament at, 101, 102. See Legal Index, Merchants. Adare—Athdare, co. Lim. 235. Affane—Athmethan, co. Wat. 231. Aherlow—Natherlagh, co. Tip. 235. Aire—Ayre, river, 175. Albemarle, William, Earl of, 7. Albuniaco, Philip de, 7. Alianor, Queen of Henry III. 27. Aney—Any [Knockainy], co. Lim. 235.
Archdeacon, sir Raymond the, 259, 309.
Archer—Larcher, John, prior of St. John
of Jerusalem in Ireland, 333, 362. Ardagh, co. Lim. 235. Ardfinnan—Artfynan, co. Tip., 233. Arkagh, co. Meath, 233. Armagh, Archbishop of, tenants of, in cos. Louth and Meath, 233. 372n.John Swayne, archbishop of, 563, 583. Nicholas, archbishop of, 197. Ashburton—Ayspurton, Devonshire, 315. Askeaton—Inskefty, co. Lim. 235. Asmayn—Asmain—Esmain (deanery of Cashel), prelate of, 178, 178n, 179. Athassel — Athisshill — Athissil, prior's town of, 233. Athlone—Athlon, castle of, 335. Ballymore, co. Kild., parliament at, 491. Balydouenald, Hugh de, 261. Banent, Hugh, deputy to the Chancellor, 585.

Philip de, of Carrigdonegan, 259.
Robert de, 259.

Basset, Alan, 7.
Bath and Glastonbury, Jocelyn, bishop

Bermyngham—Birmyngham, sir John de, Earl of Louth, 307.

- Peter de, 587 Walter de, 371.

Philip de, 259.

of, 5. Bellard, John, 225. Belynges, Thomas, 399. Betham, Sir William, Early Parliaments of Ireland cited, 194n, 470n. Beuchamp, Walter de, 7. Beverley—Beverlaco, Robert de, 399. Blackstone's Commentaries cited, 21n. Blund, Nicholas le, 261. Blyth, 229. Bolton, Sir Richard, Irish Statutes (1621) cited, 266n, 269, 269n, 271n. Bonevill, John de, 261. Borquei, Philip de, 261. Botiller—Botiler—Butler, Edmund justiciar of Ireland, 278n, 279. Sir Thomas le, 309. Thomas le, prior of the Hospital of St. John of Jerusalem in Ireland, 517, 520. Bradepulle, see Bristol. Bret, Geoffrey le, 261.

Walter le, 259. Bretun, Roger, 47. Breute, Falk de, 7. Bristol—Bristuyt, 19, 315, 477; Bradepulle in, 219. Brittany, 29n, 32. Bruere, William, sen. 7. William, jun. 7. Brun, Nigel le, 259.
Bunratty—Bonrat, castle of, 335.
Burgo — Burgh — Bourk, Hubert justiciar of England, 7, 20, 21. Richard de, justiciar of Ireland, 23. Richard de. See Ulster. Thomas de, treasurer of Ireland, 329, 331. William de, 259. Butler. See Botiller. Bykenore, Walter de, 399. Byset, Hubert, 263. - Hugh, 261. - John, 261. – William, 263.

Cahirconlish—Karkínlish, 237. Calf, William, 261. Cambridge, schools of, 527. Canoun, Hugh, 265.

```
Canterbury, 8, 22, 191.
               Edmund, archbishop of, 27, 31.
                                                                    470.
 Cantilupo, William de, 7.
Cantok, Thomas de, c
                                                                    382n.
                               chancellor, 219,
               229.
 Cardiff—Kerdif, 315.
Carew MS. Lambeth, cited, 430, 430n,
               476n.
 Carlisle-Cardoill, 229, 241, 243.
                                           Parlia-
               ment at, 541, 551.
                                        See Legal
                                                                     565.
              Index Statutes.
                                  - Cathirlagh -
 Carlow -
             - Catherlaghe -
              Carthelaghe, 235, 371, 522, 589;
              sheriff of the county, 865, 393,
              522; his accounts, 461; liberty of, 235; seneschal, 195. See
Obargy; Offelmeth.
Carmarthen—Kermerdyn, 315.
                                                                    219.
Carrick-Carrik, co. Tip., 283.
 Carrigdonegan, 259.
Carru, Maurice de, 259.
Cashel-Cassell, co. Tip., 231.
         archbishop of, 231.
      - Maurice, archbishop of, 275.
       Thomas, archbishop of, 467.
 Castilian enemies in the Irish Sea, 575.
 Castledermot, 587.
Castles.
           See Athlone, Bunratty, Dublin,
              Kildare, Randon, Roscommon.
Caunteton, Mathew de, 259, 809.
     - sir Robert de, 809.
      William de, 259.
Chancellor of the Exchequer, 418.

of Ireland, 229, 287, 307, 329, 389, 341, 355, 357, 361, 373,
              408, 406, 414, 416, 417, 418, 420, 428, 425, 478, 487, 493, 501, 522, 529.
             Cantok, de Lymbergh, Mer-
              bury.
     of Ireland, deputy of, see Hugh
          Banent.
      seal of, 341.
      writs addressed to, 295, 297, 323,
          331, 406.
Chester, Ralph, Earl of, 7.
Chichester, Richard, bishop of, 5.
Christopher, Philip, 261.
Cistercian Order, 241, 242, 243.
                                                         Don river, 175.
Clare—Clere, Gilbert, son of Thomas de, 231; Nicholas de, treasurer, 219;
          Richard de, 275.
Clarence, Lionel, duke of, lieutenant of
Ireland, 430, 481, 467, 469, 507,
                                                                   town, 315
         520.
                                                         Druyl, John de, 265.
Clifford, Walter de, 7.
                                                         Dublin - Diuelyn - Duuelin - Dyvelin-
                                                                   Dyuelin, city, 11, 213, 229, 233, 287, 245, 807, 809, 311, 313, 315, 365, 875, 899, 401, 405, 475.
Clogher, Henry, bishop of, 261.
Clonfert diocese, 179.
Clonmel-Clonmele, 231.
```

```
Close Roll (Eng.), cited, 30, 40, 332, 366,
Close Rolls (Eng.), Calendar cited, 20x
Cloyne-Clon, John, bishop of, 469.
Cluniac Order, 241, 242.
Cogan, John de, 259.
Colie, barony of Dundalk, 523.
 Colton, John, justiciar, 589.
Connaught - Conaght,
                                  333, 335, 343,
— county of, 395, 463; sheriff, 195.
Coram Rege Rolls (Eng.), cited, 226, 587.
Cork—Corcke, city, 221, 315, 589; a staple
town, 315; mayor, 217; mayor
and bailiffs, 217; gaol, repair of,
       county, 151, 235, 315, 395; sheriff, 195; his accounts, 463.
Cornwall—Cornewayle, 315.
Cotton MS., B. Mus., cited, 27, 45.
Council, Great, see Dublin, Kilkenny,
Westminster.
Courcy, see Curcy.
Courtenay-Curtenai, Philip de, lieu-
          tenant of Ireland, 487.
       Robert de, 7.
Coventry, William, bishop of, 5.
Cranley, Thomas, archbishop of Dublin,
467, 567, 569
Croom—Cromoth, co. Lim., 235.
Crosses, 183, 237. See Dublin, Ferns, Kil-
          dare, Leighlin, Leinster, Meath,
Munster, Ossory, Ulster.
Croydon-Croyndon, 329, 331.
Cruys, John, 490.
Curcy, Milo de, 261.

Nicholas de, 259
Cusack, Walter de, 259.
Darcy-de Arcy, John, 311.
Darragh—Dermochi, co. Lim., 235.
Dene, sir Thomas de, 309.
Derby, William de Ferrars, Earl of, 7.
Dermochi—see Darragh.
Derwent—Derwente river, 175.
Dessafuble, George, 29n.
Devonshire-Devenschire, 315.
Down, prior of, not in parliament, 589.
Dover, tables for exchange of money at,
Drogheda, mayor, etc., of, 231; a staple
```

GENERA	L INDEX. 039
44 433	
Dublin, a staple town, 315; taking of, 3;	Exeter, Jordan de, sen., 259, 265.
mayor, 315; mayor and bailiffs.	Jordan de, jun., 259.
231, 281, 366n, 367 : castle 387	Richard de, 259.
408; constable of, 457; exchequer	,
or, see Exchequer; mill and bridge	
towards Steyn, 219; vill of St.	Faukemont, moneys of, 213.
Sepuichre, 235; mint in, 477.	Ferns, diocese, 181, 183, 189; bishop, 185;
great council at, 375, 483, 485, 487;	clergy, 475; cross of, 235.
parliament at, 233, 281, 470, 479,	Fethard—Fitherid, co. Tip., 233.
481, 499, 505, 515, 517, 520, 563,	Feypo, Simon, 261.
588, 589.	Fitzgerald, Maurice, justiciar of Ireland,
county, 197, 417; community of, 233,	26, 29, 29n, 30, 33, 34, 35.
4/8, 475; county court, 199;	- sir Thomas, son of John, Earl of
sheriff, 195, 199, 393; his accounts,	Kildare, 307.
461. See Taaf.	Fitz Henry, see Henry.
vale of 197.	Fitz John, see John.
church of, 405; clergy of, 475.	Fitz Thomas, see Thomas.
	Fitz Walter, see Walter.
Thomas Cranley, 467, 567, 569.	Fitz Warine, see Warine.
— Thomas Cranley, 467, 567, 569. — Henry de Loundres, 20.	Fitz William, Richard, 399.
— Luke, 29n, 30.	Fleet, gaol of the, 135.
Luke, 29n, 30. tenant of his cross, 233.	Flemyng, Baldwin le, 261.
prior of the Holy Trinity, 235.	—— Henry le, 261.
prior of the Holy Trinity, 235. abbot of St. Mary, 235, 480n.	Forth—Fotherid, Co. Carlow, 285.
Drior of All Saints 210	France, 363; King of, 225.
prior of St. John, without the New	Freigne, Fulk de la, 265.
gate, 285.	Freight, Full de la, 200.
- abbess of the Hogges, 235.	
See Legal Index—Customs, Liberties.	Galleys, John, 225.
Duket, Richard, 34.	Galtrym (dio. Meath), church, 583.
Duleek—Diuleek, abbot of St. Mary's, 233.	Gascony, 29, 77, 217, 219, 343.
Dungarvan, 281.	
Dunhill—Donyl—Dunoyle, Co. Wat., 259,	and Guienne, men of, to be denizens
809.	in staple matters, 317.
	Germany, moneys made in, 213. Geynevill—Genvill, Geoffrey de, liberty
	of, 233.
Edward I., when lord of Ireland, 37, 587;	—— Simon de, 259.
King, 001.	Glastonbury, see Bath.
Edward III., King of England, 479, 481,	Glencree—Glencry, King's forest of, oaks
498, 505, 511, 525, 541, 551, 557,	from, 219.
5/1, 5//.	Gloucester, 87, 101, 105, 141.
Eledoune Eldoune, Milo de, 261; Pagan	See Legal Index, Statutes.
de, 201.	Grandison, Oto de, 231.
Emly-Imelagh, William, bishop of, 265,	Grean, co. Lim., 235.
2/5.	Green Wax, 355, 395, 414.
England, 483; exchequer of, 588; sheriffs	Gualo, Cardinal of St. Martin, apostolic
01, 3/2% ; Stable of 315	legate, 5, 19.
CSIDAYN, 800 Atmanes	Guienne, 577. See also Gascony.
Eure, Robert, 490.	Calcino, 577. See also Gascong.
Exchequer of Dublin, 191, 323, 331, 347,	
000, 070, 898, 410, 413, 575, 581	Hacche, William de, sheriff, co. Louth,
seal OI, 341, 413.	194n, 197.
marshal and marshalses of 357	Hall, Simon de, 34.
Red Book cited, 507	Hanewode, Mathew, son of Hugh de, 261.
White Book (not now extant), cited,	Hardiman's Irish Minstrelsy cited, 446n.
002.	Harleian MS., B. Mus., cited, 21.
— MS. (Eng.), cited, 65.	Harvard Law Review cited, 22n.
Exectre, city, 815.	Hastynges, John de, 285.
Simon, bishop of, 259.	Haye, Walter de la, 197.
.,	Traine Merrar de re' 1941

ď

Henry I., King of England, 29, 31, 587.	Kells-Kenles, county court of Meath a:
Henry II	199.
Henry II, 3, 20, 29, 31. Henry III, 27, 55, 61, 68, 67,	Kenilworth—Keneylworth, 321.
77.	Kerry-Kery, co. sheriff of, 195, 395: Lis
Henry IV. —— , 569.	accounts, 463.
Henry, Meiler, son of, justiciar of Ireland,	Ketyng, James de, 259.
4.	Kildare-Kyldare, diocese, 181; clerzy.
Herbert, Matthew, son of, 7.	475; cross lands in the county, 199
Holmpatrick — Holpatrick, harbour of,	county, formerly a liberty intentive
399, 401.	to co. Dublin, 199.
— forestallers of fish at, 401.	—— liberty of, seneschal, 365.
Holywood—Sancto bosco, Roger de, 261.	to be a county, with sherif.
Hospital, co. Limerick, tenants of, 233.	194 <i>n</i> , 199.
Humber—Humbre, river, 175.	county, 235; communities of, 475. 475; magnates of, 587.
Hyda, Robert de, and wife, 35.	sheriff, 195, 219, 393, 522; his
	accounts, 461.
Idrone—Odron, co. Carlow, 235.	castle, fee of constable, 219.
Inistiogue—Instyok, prior of, 185.	Curragh-the King's common pas-
Inskefty, see Askeaton.	ture, 217.
Insula, Alan de, 261.	swine not to be pastured in. ii.
Ireland, justiciar of, 3, 4, 11, 17, 20, 22,	- sir Thomas, son of John, Earl of.
25, 32, 179, 181, 183, 191, 193,	307.
195, 203, 207, 209, 211, 213, 219,	Kilkenny — Kilkeny — Kyl-
221, 229, 231, 259, 263, 265, 267,	kenny, burgh or city, 233, 259
277, 285, 287, 289, 292, 293, 294,	280n, 289, 306, 307, 311, 313, 356n.
295, 313, 323, 325, 327, 329, 337,	875, 377, 431, 481, 485, 491, 505:
339, 341, 343, 351, 355, 357, 359 , 361, 363, 365, 373, 379, 387, 389,	St. Canice's church in, 275. Great councils at, xii, 366n, 375.
403, 405, 406, 409, 411, 412, 414,	377, 485.
415, 416, 417, 418, 420, 423, 459,	Parliaments at, 259, 280n, 311, 313,
473, 581, 587, 588, 589.	431, 481, 491, 505, 588
Ireland, lieutenant of, 431, 493, 501, 581,	liberty of, 235; seneschal, 195, 365.
583.	cross of, 588.
- See Henry, Meiler son of; Geoffrey	county, 393, 461; communities of.
de Marisco; Richard de Burgh;	473, 475.
Maurice Fitzgerald; Robert de	sheriffs' accounts, 461.
Ufford; Stephen, bishop of Water-	see Legal Index, Excommunication-
ford; John Wogan; Edmund le	Statutes.
Botiller; Roger de Mortimer;	Killaloe—Killalo, Thomas, bishop of, 469.
John de Arcy; Anthony de Lucy; Ralph de Ufford; Robert de	Kilmallock, co. Lim., 235. Kilmeadan—Kilmydan, 231.
Ufford; Walter de Birmyngham;	Kilmoon, co. Meath, 233.
Thomas de Rokeby ; Lionel, Duke	Knockainy, see Aney.
of Clarence; Philip de Courtenay;	Kylkenan, Michael de, 261.
Thomas of Lancaster; James le	1
Botiler, Earl of Ormond; Sir	Lacy-Laci-Lascy, Hugh de, 259.
John Talbot; Sir John de Stanley;	— Walter de, 4, 7, 259.
Earl of March; John Colton.	Lancaster—Lanchaster—Lancastre, Thes.
— justiciar of, seal, 22, 294, 341.	of, lieutenant of Ireland, 505, 515.
Irish Archeological Society's Miscellany,	517, 520, 521, 522, 525, 529.
cited, 194n.	—— honor of, 17.
	Langeton, John de, 263.
Town 10 102	Langley—Langele—Langeleye, 247, 249. Lansdowne MS., B. Mus., cited, 21.
Jews, 19, 103. John, King of England, 19, 21, 23, 24, 29,	Larcher, see Archer.
31, 35.	Leighlin, John, bishop of, 469.
—— Richard, son of, 259.	— Maurice, bishop-elect of, 265, 275.
Justiciary Roll (Irel.) cited, 194.	Nicholas, bishop of, 197
• • • • • • • • • • • • • • • • • • • •	•

```
Leighlin, cross of, 285.
Leinster, 197, 473, 475; community of,
211; four counties of, 271;
          sheriff's accounts, 461;
                                          cross
          lands of, 199; liberties of, 185.
Leis, Hugh de, 197.
Lengleys, John, son of Thomas, 261.
Lestrange, John, 7.
Liber Custumarum (Lond.), cited, 99.
Liberties. See Carlow, Kildare, Kilkenny,
           Meath, Trim, Ulster, Wexford.
Liffey (Anna) river.
                         See Legal Index-
          Rivers.
Limerick—Lymerick, city, 231.
—— county, 151, 197, 235, 395.
           sheriff, 195; his accounts, 463.
Lincoln, 297, 299.
                         See Legal Index-
          Statutes.
Lisbon merchants, 477.
Lismore, Richard, bishop of, 275.

and Waterford, Thomas, bishop of,
          467.
Llandaff, Henry, bishop of, 5, 5n.
Logan, Adam de, 261.
      John, son of Alan de, 261.
 London city, 37, 97, 99, 315; mayor, 102;
          mayor and bailiffs, 99, 101
          citizens, 99; merchants, 103; gaol
          of the Fleet in, 135.

    tower of, 21, 101.

       quarter measure of, 289.
      - See Legal Index - Amercement,
          Disseisin, Frauds, Waste.
       bishop of, 5, 5n.
 Loundres, Henry de, archbishop of Dublin,
          20
       William de, 261.
```

Lostwithiel-Lostwythiel, Cornwall, 315.

195, 233, 393, 523; sheriff, 498n;

(see Hacche) sheriff's accounts, 461.

Loughrea—Lochrech, dio. Clonfert, 179. Louth—Loueth—Louthe, county—shire,

wardens of the peace, 498n.

Lucy, Anthony de, justiciar of Ireland,

Lymbergh, Adam de, chancellor of Ireland.

Lynch, William, Legal Institutions cited,

- Earl of. See Bermyngham.

330, 331.

331.

M'Morgho—M'Murghes, 365, 565.

Maitland, Professor F. W., History Register of Original Writs cited, 22n.

Malo Leone (Mauléon), Savaric de, 7.

March, Earl of, justiciar, 589.

Marcescal, John, 7.

— William, Earl, 4, 7, 19.

Marisco, Geoffrey de, justiciar of Ireland, Marlborough. See Legal Index-Statutes. Maundevill — Maundovill (de), John, son of Martin, 261; Peter, 261; Thomas, 261; Philip, 261. Maurice, Nicholas, son of, 261.
Maziner, David le, 265.
Meath, Thomas, bishop of, 197; A. Dopping, bishop, 589; bishopric of, 583. crosses in precinct of, 199, 233. - seneschal of the liberty, 195, 233. to be a county, 199. - county, 197, 199, 233. - ----- sheriff, 393, 515; his accounts, 461; magnates of, 587. - court of Kells, 199. Mellifont-Mellefonte, abbot of, tenants, 233. Merbury, Sir Laurence, chancellor, 567, 585. Merton. See Legal Index-Statutes. Mint. See Dublin. Modeshil—Moydissel, co. Tip., 233. Modreeny—Moydrifny, co. Tip., 233. Modus tenendi parliamenta, 589. Monmouth, John of, 7.
Mortimer, Hugh de, 7; Robert de, 7; Roger de, 281, 311. Mortlake, 30. Munster, 463, 473; crosses of, 235. Naas, the, 239; parliament at, 491.

Nenagh-del Nanagh, the, 233. Newcastle - on - Tyne — Noefchastel sur Tyne, 315. New Ross. See Ross. Nid - Nyd, river, 175. Norfolk, Earl of, 231. Northampton, 331. See Legal Index -Statutes. Norwich -- Norwicz, 315. Nottingham, 30, 33, 34, 293, 294, 295, 297, - honor of, 17. See Legal Index—Statutes. Obargy—Ui Bairche, liberty of Carlow, 235. Oboy, Carlow, 235. O'Brien—O'Bryen—O'Breene. - Murgh, 473, 475. of Thomond, Irish chieftain, 565. O'Byrnes—Obrynnes, 365. O'Conoghor-O'Conoghour, of Connaught, Irish chieftain, 565. Offelmeth—Ui Felme, liberty of Carlow, 235. Omoghane, Donald, 588.

O'Neel, Irish chieftain, 565; Nelan, 589. O'Nolans, the, 365. Ormond James le Botiler, Earl of, lieutenant of Ireland, 563. Ossory-Ossorie, diocese of, 187; clergy, 475. bishop, 265, 487. William, bishop of, 275, 469. cross of, 235. O'Tooles-Otothils, the, 365. Ouse-Use, river, 175. Oxford, schools of, 527. 335. Parliamentorum Rotuli cited, 372n. Parson, Robert [son] of the, 261.
Patent Roll (Eng.) cited, 35, 292.
Patent Rolls (Engl.) Calendar cited, 3n, 4n, 20n, 21n, 45n. Patent Roll (Ireland), cited, 446. Pembroke—Penbrok, William Marescal, Earl of, 4, 7, 19. Edmond de, 261. Pipe Roll, Ireland, cited, 194, 235, 237. Plea Roll (Ireland), cited, 151. Plague in the year 1349, 867 Poer, sir Arnald le, 309. Eustace le, 197, 265. - John le, 259; sir John le, 309. - John le Wyte, 259. Pope, the, 533, 535, 543, 545, 553, 555, 557, 565, 567, 581, 583 Portugal, merchants of, 477.

Premonstratensian order, 241, 242, 243. Preston, Christopher de, knt., 563. Proctors of prelates in parliament, 197; as to salaries of, 526. Prynne's Animadversions cited, 3n, 4n, 292n, 332n, 406n, 408n, 420n, 476n.

Prys, Thomas, chaplain, 583. Pultram, Robert, 219. Pynxebek, John, 263.

Randon—Radon, castle of, 385. Randolf, John, 583. Rathkeale-Rathgel, co. Lim., 285. Rathwire, co. Meath, 587. Paymond. See Archdeacon. Record Commissioners' Reports cited, 178n. Records in Ireland, Report of the Deputy Keeper cited, 287n. Red Book of the Exchequer, Ireland, cited, 5, 506n, 523n.

Red Book of the Exch (Eng.) cited, 45, 588. Rhuddlan, 41, 45, 45n. See Legal Index,

Statutes. Richard I., King of England, 20, 31, 77. Richard II., King of England, -373, 501, 507, 553, 557, 565, 569, 571 579,

Roche-Rupe, Davy, son of Alexander de la, 309. George de, 197, 261, 309.

William de, 261, 265.
Rocheford—Rochefort, Maurice de, 259,

265, 275; Sir Maurice de, 309. Rochester, Benedict, bishop of, 5. Rokeby, Thomas de, 375.

Rome, court of, 524, 533, 535, 541, 547, 549, 553, 557. See *Pope*.

Roscommon — Roscoman — Roskoman, sheriff of county, 195; castle of,

Roscrea—Roscre, co. Tip., 179. Ross (new)-Ros, co. Wex., 231.

Rupe. See Roche. Russell, Reginald, 261.

Ryly's Placita Parl. cited, 408n. Rymer's Fædera cited, 35n, 299n, 362n, 373, 406n, 420n, 470n.

Ryuars, John, 478n.

St. Albans, 26, 239.

St. Amand, Almaric de, 199. St. Asaph, R. bishop of, 5.

St. Aubin (Sancto Albino), David, 261. St. Augustine, order of, 241, 242.

St. Benedict, order of, 241, 242. St. Davids'—Meneven. [Gervase], bishop

of, 5, 5n.
St. John of Jerusalem in Ireland, prior of

the hospital of, see Archer-Botiller. St. Leger-Sancto Leodgario, William de.

259. S. Mere l'eglise, William, bishop of

London, 5n. St. Sepulchre, see Dublin.

Sage, Elias, 219. Sarexyn, Walter, 261. Savage, Richard le, 261. Scargyl, John, 261.

Scotland, 241, 242, 343; money of, 251; - subsidy for war with, 229.

war with, 341.

- (Scottish) enemies, 229, 298, 485, 575.

Seal, great, of Ireland, 410, 567.

For seals, see Chancellor, Exchequer,

Ireland, Justiciar of. Sey, Walter de, 261.

Ship, see Snack.

Shrewsbury—Salopesburgh, 315. Slemeryche, Richard, 263.

Snack, ship called the, 217. Southampton, 4.

Spanish enemies, 485.

Stanley, Sir John de, lieutenant of Freland. heirs of 569

```
Staunton, John de, 259.
Statutes of the Realm, cited, 5n, 21n, 27n, 30n, 40n, 83n, 101n, 177n, 241n,
            254n, 281n, 293n, 330n, 363n, 366n, 408n, 512n, 528n, 532n, 540n, 550n,
            554n, 556n, 560n.
Statute Roll (Eng.), cited, 476n, 512n,
            560n.
Stepney—Stebenheth—Stybenhethe, 227, 239.
Stradbally—Stratbaly, co. Wat., 231.
 Strangbowe, William, 261.
Swale river, 175.
 Swayne, John, archbishop of Armagh, 583.
 Sweetman's Calendar of Documents re-
lating to Ireland, cited, 45n, 587.
 Swords-Swerdes, Milo de, 263.
 Taaf-Taff, Richard, sheriff, co. Dublin.
         194n, 197, 261.
William, 261.
 Taillur, Thomas le, 261.
Talbot, John, 261.
        of Hallomshire,
                                  Knt., lieutenant
            of Ireland, 567, 571.
  Tees-Tese, river, 175.
  Tewkesbury-Teokbury, 35.
  Thomas, John, son of, 275.

—— sir Maurice, son of, 307.
  Thomond-Tomond, 565.
  Thurles - Thurlis, 233.
  Tipperary—Typerary, county, 151, 235, 395, 588.
         sheriff, 195; his accounts, 461.
   Titus MS., B. Mus., cited, 430, 430n.
  Treasurer of Ireland-King's Treasurer
            Treasurer of the Exchequer, 287,
            307, 323, 327, 329, 337, 339, 341, 355, 357, 361, 373, 375, 379, 403, 410, 413, 414, 415, 416, 417, 418, 423, 425, 473, 493, 501, 529.
                See de Burgh ; de Clare.
   Treasury of Ireland, 345.
        · at Dublin, 279.
   Trent—Trente, river, 175.
   Trim-Trym, 233, 398; liberty of, 199.
        seneschal of, see Trouman.
his accounts, 461.
   Tristeldermot - Trysteldermot,
                                              parlia-
            ment at, 473, 491, 589.
   Trouman, Walter, seneschal of Trim, 197.
   Truro—Treureu, Cornwall, 315.
Tuam—Thueme, John, archbishop of, 467.
   — William, archbishop of, 197.
Tuyt, John, 259; John de, 587.
        - Richard, 261.
       - sir Richard de, 309.
```

```
Ufford, Ralph de, justiciar of Ireland,
        Robert de, justiciar of Ireland, 37.
UiBairche, see Obargy.
UiFelme, see Offelmeth.
Ulster-Ulvestre, 197, 199; unsettled state
        of, 333, 343; to have a sheriff, 197. liberty of, 197; seneschal of, 195, 199.
        crosses of, 197.
       ports, 478.
Earl of, 333.

    Richard de Burgo—de Bourk, Earl
of, 197, 259, 265, 275, 307.

Valle, Richard de, 259.
—— Walter de, 259.
Vautort, Reginald de, 7.
Verdon—Verdun, Theobald de, 199.
      - Sir Nicholas de, 309.
Wales, 241, 242, 293, 317, 319, 343, 524.
            See Legal Index—Marches, Merchants, Staple.
Waleys (le), Hubert, 263; Richard, 259; sir Richard, 309.
Wallingford, honor of, 17.
Walter, Thomas le fyz, 261.
Warine - Waryn, Alan, son of, 261.

William le fyz, 261.
Waterford, city, 231.
—— county, 235, 395; sheriff, 195; his accounts, 461.
        Stephen, bishop of, justiciar of Ire-
Stepnen, Dishlop of, January land, 47, 47n.

Westminster, 3, 20, 24, 32, 39, 47, 83, 102, 103, 105, 133, 149, 167, 249, 254n, 292, 301, 331, 363, 419, 493, 495, 497, 506n, 529, 533, 537, 560.
        parliament at, 242, 323, 331, 872n, 373, 533, 543, 551, 560.
—— great council at, 525.

— See Legal Index—Statutes.

Wexford—Weyseford, liberty of, 235;
seneschal, 195, 365.
          great council at, 529.
        county, 393; communities of, 473,
            475.
        sheriff's accounts, 461.
Wharfe—Wherf, river, 175.
White Book of the Exchequer, Ireland
(not now extant), cited, 502.
Winchcombe—Winchecumb, 25.
Winchester—Wyncester, 47, 245, 249, 254, 257, 315, 411.
       Peter, bishop of, 5.
      See Legal Index-Statutes.
Windsor, 21.
```

Wogan - de Wogan, John, justiciar of Ireland, 194n, 213, 221, 229, 237, 239, 241, 245, 247, 259, 275, 311.

—— sir Thomas, 338, 362.

Walter, 265.

Woodstock, 4, 85. Worcester-Wygorn. Silvester, bishop of,

Writs, original, History of Register of, by Professor F. W. Maitland, cited, 22n.

Writs tested at—
Blyth, 229; Canterbury, 22, 191; Carlisle, 241; Carlow, 871; Croydon, 329, 331; Dublin, 259, 365, 405, 483, 515; Gloucester, 101; Writs tested at-con.

Kenilworth, 321; Kilkenny, 313, 375; Langley, 247, 249; London (tower), 21; Mortlake, 30; North-499, 503, 529; Windsor, 21; Winchcombe, 26; Woodstock, 4, 35.

Yore, river, 175. York—Euerwyk, city, 315. See Legal Index—Statutes.

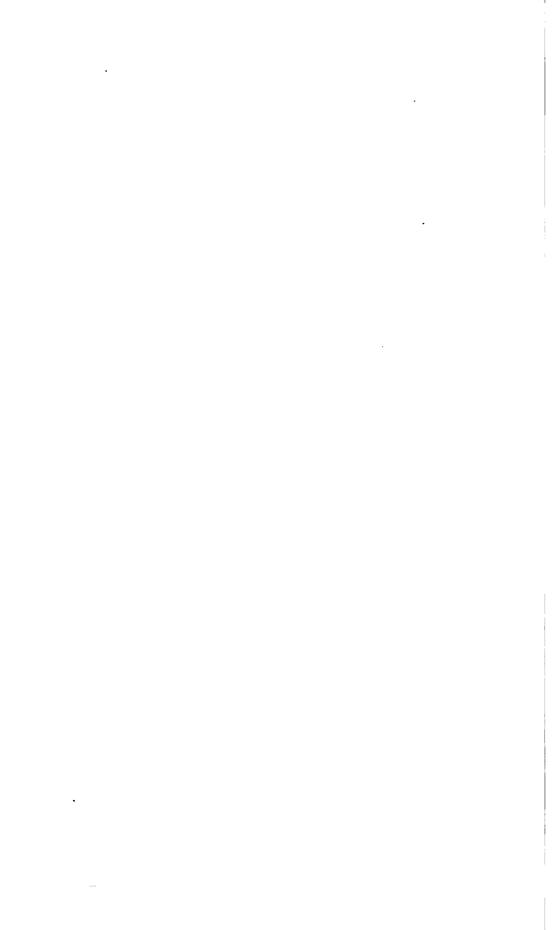
Youghal, 231.

CORRIGENDA.

p. 91, margin, for sheriffs read bailiffs. p. 207, margin, for country read county.

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